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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, pursuant to Assembly resolution 65/240.

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Interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Summary

The present report to the General Assembly is submitted pursuant to Assembly resolution 65/240 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.

Following a brief introduction, the Special Rapporteur refers, in section II of the report, to thematic issues of concern as addressed within the framework of his mandate since the submission of his previous report to the General Assembly (A/65/295). These issues include: structural discrimination; incitement to national, racial or religious hatred; extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements; and victims of racism, racial discrimination, xenophobia and related intolerance, including people of African descent, Roma and the victims of discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status. The Special Rapporteur also highlights some best practices in the fight against racism, racial discrimination, xenophobia and related intolerance.

In section III, the Special Rapporteur refers to further activities carried out since his previous report to the General Assembly, including country visits, thematic press releases, seminars and consultations.

Finally, in section IV, the Special Rapporteur presents a number of conclusions and recommendations relating to the above-mentioned issues of concern. The Special Rapporteur takes note of the valuable efforts made by States to address the challenges and commends Governments for having developed a number of good practices both at national and regional levels. However, he emphasizes that racism, racial discrimination, xenophobia and related intolerance unfortunately continue to have a negative impact on the full enjoyment of civil, cultural, economic, political and social rights. This is particularly blatant for people of African descent, Roma, members of communities based on caste or analogous systems of inherited status and ethnic minorities in general, including in the areas of education, employment, health, housing, access to citizenship, administration of justice, racial profiling as well as access to political decision-making and judicial systems. In this context, the Special Rapporteur provides several recommendations which could be used by States as tools for further analysis and progress.

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I. Introduction

1. On 25 March 2011, the Human Rights Council adopted resolution 16/33, by which it extended the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a further period of three years, in accordance with the terms of reference contained in Human Rights Council resolution 7/34.

2. The present report is submitted pursuant to General Assembly resolution 65/240 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action. The Assembly requested the Special Rapporteur, within his mandate, to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights.

3. In this report, the Special Rapporteur gives an overview of the issues of concern as addressed within the framework of his mandate since the submission of his previous report to the Assembly (A/65/295). These issues of concern for the mandate are presented in section II and include structural discrimination; incitement to national, racial or religious hatred; extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements; and victims of racism, racial discrimination, xenophobia and related intolerance, including people of African descent, Roma and the victims of discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status. The Special Rapporteur also highlights some best practices in the fight against racism, racial discrimination, xenophobia and related intolerance.

4. In section III, the Special Rapporteur refers to further activities carried out since his previous report to the Assembly, including country visits, thematic press releases, seminars and consultations.

5. In section IV, the Special Rapporteur presents a number of conclusions and recommendations relating to the above-mentioned issues of concern.

II. Issues of concern for the mandate

6. In his thematic reports, press releases, contributions to conferences and other meetings, the Special Rapporteur has continued to give particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights, pursuant to paragraph 32 of General Assembly resolution 65/240.

7. In the present section, the Special Rapporteur refers to various manifestations and forms of racism, racial discrimination, xenophobia and related intolerance (subsection A); victims of racism, racial discrimination, xenophobia and related intolerance (subsection B); and best practices in the fight against racism, racial discrimination, xenophobia and related intolerance (subsection C).

A. Manifestations and forms of racism, racial discrimination, xenophobia and related intolerance

1. Structural discrimination

8. Since the submission of his last report to the General Assembly, the Special Rapporteur has highlighted the issue of structural discrimination on several occasions, including in a public statement and in his annual report submitted to the Human Rights Council at its seventeenth session (A/HRC/17/40).

9. On 18 October 2010, the Special Rapporteur participated in the thematic discussion on "Structural discrimination: definitions, approaches and trends" held in the framework of the eighth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. In the statement delivered on that occasion, the Special Rapporteur acknowledged that while the pervasive existence and manifestations of structural discrimination had been studied and addressed widely, including by United Nations expert mechanisms, that phenomenon remained a difficult one to define. He provided some elements that might contribute to a better understanding of the different manifestations of structural discrimination and its various causes.

10. The Special Rapporteur took the view that structural discrimination refers to racist, xenophobic or intolerant patterns of behaviour and attitudes within societal structures that target specific individuals or groups of individuals, in relation to their race, colour, descent, or national or ethnic origin. Such "societal" structural discrimination is related, inter alia, to the persistence of deeply rooted racial prejudice and negative stereotypes within the societies.

11. The Special Rapporteur further highlighted that structural discrimination can be the result of past historical injustices perpetrated against specific groups of individuals. Long after that formalized racial discrimination was dismantled, the inequalities that were created continued to have a disadvantage or disproportionate effect on the human rights of individuals of specific ethnic and racial groups. Indigenous peoples, Roma, members of communities based on caste or analogous systems of inherited status, ethnic minorities and people of African descent remain particularly affected by this historical legacy, notably in the areas of health, housing, employment, education, administration of justice as well as political representation and empowerment. Thus structural discrimination is one example of the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights.

12. In the context of structural discrimination, the Special Rapporteur would like to reiterate the importance of addressing any discriminatory effects of those laws, policies and programmes that are prima facie non-discriminatory. Indeed, in some cases while the legislation or the public policies seem to be in conformity with international human rights law, and the aim of Governments is to prohibit racial discrimination, their application may have a discriminatory effect. The Special Rapporteur urges States to review and redesign legislation, policies and programmes that have a disproportionate effect, including the legislation, policies and programmes that may discriminate indirectly against specific groups of individuals. He further recommends that particular attention be paid to the situation of migrants while addressing the question of structural discrimination.

2. Incitement to national, racial or religious hatred

13. Since the submission of his previous report to the General Assembly, the issue of incitement to national, racial or religious hatred has been raised by the Special Rapporteur on several occasions, including in a joint press release and in the joint written submissions presented with the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

14. In the joint press release regarding the situation in Côte d'Ivoire, issued with other United Nations human rights experts on 1 April 2011,[1] the Special Rapporteur called on all parties to refrain from any advocacy of national or racial hatred that might incite to discrimination, hostility or violence. He demanded an end to attacks against foreign nationals and joined his voice to the appeal made by the Committee on the Elimination of Racial Discrimination to promptly investigate and punish those responsible for ethnic violence.

15. The Special Rapporteur also addressed the issue of incitement to national, racial or religious hatred in the joint written submissions presented in Vienna,[2] Nairobi[3] and Bangkok[4] to the series of expert workshops of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the prohibition of incitement to national, racial or religious hatred. The expert workshops touched upon the rights and freedoms enshrined in the following provisions of international human rights instruments: article 18 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, respectively, on freedom of thought, conscience and religion; article 19 of the Universal Declaration and of the International Covenant on freedom of opinion and expression, respectively; article 20 of the Covenant on the prohibition of any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence; and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination on the eradication of incitement to racial discrimination as well as acts of violence or incitement to such acts.

16. In the joint written submissions, the Special Rapporteur explored some legislative and judicial practices in the workshops' regions (Europe, Africa and Asia-Pacific; the fourth expert workshop on the Americas will be held in October 2011). He also explored policies conducive to effectively prohibiting and preventing advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. In that regard, he referred to some examples and pertinent recommendations from the mandate's country fact-finding visits in the different regions and the communications sent to States to help to review legislative and judicial practices and policies.

17. The Special Rapporteur reiterated that all human rights were universal, indivisible and interdependent and interrelated. He underlined that nowhere was that

[1] The full text of the press release is available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10908&LangID=E.

[2] www2.ohchr.org/english/issues/opinion/articles1920_iccpr/docs/CRP3.Joint_SRSubmission_for_Vienna.pdf.

[3] www2.ohchr.org/english/issues/opinion/articles1920_iccpr/docs/JointSRsubmissionforNairobiworkshop.pdf.

[4] www2.ohchr.org/english/issues/opinion/articles1920_iccpr/docs/expert_papers_Bangkok/SRSubmissionBangkokWorkshop.pdf.

interdependence more obvious than in the discussion on freedom of expression and incitement to national, racial or religious hatred. He strongly emphasized that freedom of expression and the demands of a pluralist, tolerant, broad-minded and democratic society needed to be taken into consideration in all cases being examined. Freedom of expression had to be understood in a positive sense as one of the essential foundations of a democratic and pluralistic society. It had to be guaranteed equally for all as a way to combat racism and discrimination. With the exercise of that freedom, an atmosphere of respect and understanding between peoples, cultures and religions had to be generated.

18. The Special Rapporteur further recalled that the OHCHR expert seminar on articles 19 and 20 of the Covenant, held in Geneva in October 2008, identified some objective criteria to prevent arbitrary application of national legal standards pertaining to incitement to racial or religious hatred: the public intent of inciting discrimination, hostility or violence must be present for hate speech to be penalized; any limitations on freedom of expression should be clearly and narrowly defined, provided by law, necessary and proportionate to the objective they propound to achieve, i.e., prohibiting hate speech; limitations should not threaten the exercise of the right itself; the least intrusive means insofar as freedom of expression is concerned should be used to prevent a chilling effect; and the adjudication of such limitations should be made by an independent and impartial judiciary. The Special Rapporteur also referred to the Camden Principles on Freedom of Expression and Equality,[5] which provide useful guidance for the interpretation of international law and standards, inter alia, with regard to incitement to hatred. In that regard, he reiterated Principle 12, which clarifies that "the terms 'hatred' and 'hostility' refer to intense and irrational emotions of opprobrium, enmity and detestation towards the target group", that "the term 'advocacy' is to be understood as requiring an intention to promote hatred publicly towards the target group" and that "the term 'incitement' refers to statements about national, racial or religious groups which create an imminent risk of discrimination, hostility or violence against persons belonging to those groups".

19. In the joint written submissions, the Special Rapporteur also noted the positive development of the adoption, on 24 March 2011, by the Human Rights Council, without a vote, of resolution 16/18, entitled "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against, persons based on religion or belief". He expressed his appreciation that the Human Rights Council had, after years of debate, ultimately found a way to unanimously address those worrying phenomena without referring to concepts or notions that would undermine international human rights law. In that context, the Special Rapporteur emphasized the principle that individuals rather than religions per se were the rights-holders.

3. Extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements

20. With regard to the issue of extremist political parties, movements and groups, including neo-Nazi and skinhead groups, and similar extremist ideological

[5] http://www.article19.org/data/files/pdfs/standards/the-camden-principles-on-freedom-of-expression-and-equality.pdf.

movements, the Special Rapporteur has submitted a report to the Human Rights Council at its eighteenth session (A/HRC/18/44).

21. The Special Rapporteur identified good practices developed by States and other stakeholders to counter extremist political parties, movements and groups. In that regard, he welcomed the prohibition of racial discrimination in a number of States' constitutions and legislation, and appreciated that racial discrimination and incitement to racial hatred were declared an offence under the criminal law of some countries. He also welcomed the fact that racist or xenophobic motives in some criminal legislation were aggravating factors in relation to some offences. Among other good practices, the Special Rapporteur highlighted the programmes specifically launched by States to combat extremism, including to steer youth away from extremist groups; the establishment of specific units to deal with hate crimes in Public Prosecutor's offices; the collection of data on hate crimes, including racist crimes committed by members of extremist groups; as well as training of law enforcement agents, educational measures and awareness-raising activities to foster tolerance and respect for cultural diversity.

22. While taking note of efforts made by States to counter extremist political parties, movements and groups, the Special Rapporteur underlined that important challenges remained which required more efforts and increased vigilance, including with regard to the protection of vulnerable groups of individuals against racist and xenophobic crimes. The Special Rapporteur emphasized that members of minorities, including Roma, Sinti, migrants, refugees and asylum-seekers, continued to be the main victims of violence and attacks perpetrated or incited by extremist political parties, movements and groups. He highlighted the remaining impunity of the perpetrators of racist crimes and expressed his concern about the underreporting of such crimes by the victims.

23. In this context, the Special Rapporteur also raised the challenges posed by extremist political parties, movements and groups regarding the protection and consolidation of democracy and human rights. He highlighted that extremist political parties, movements and groups had gained influence, including through seats obtained in parliaments at the national and regional levels. Furthermore, some extremist political parties, movements and groups had adopted new strategies to secure a place on the political scene by refraining from openly propagating racist and xenophobic discourse. The Special Rapporteur also highlighted with concern the increased use of the Internet to disseminate racist ideas by individuals and groups of individuals closely linked to extremist movements.

24. In view of upcomi g presidential and legislative elections to be held in some countries, the Special Rapporteur called upon traditional political parties to avoid using electoral contexts to fuel populist ideas and to refrain from seeking coalitions with extremist political parties. He further recalled tha: any measures to counter extremist political parties, movements and groups had to be taken in accordance with international human rights law and in a manner that upheld democratic principles.

B. Victims of racism, racial discrimination, xenophobia and related intolerance

25. The Special Rapporteur has repeatedly emphasized the need to adopt a victim-oriented approach, to ensure that actions undertaken truly respond to the concrete needs of those experiencing racism and discrimination. In line with the Durban documents, the Special Rapporteur has highlighted that all victims should receive the same attention and protection and that it is essential to avoid establishing any hierarchy among the different manifestations of discrimination, even if they may vary in nature and degree depending on the historical, geographical and cultural context. All forms of racism and discrimination should be addressed with the same emphasis and determination.

26. In this context, the Special Rapporteur would like to highlight the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of the civil, cultural, economic, political and social rights of certain groups. Since his previous report to the General Assembly, the Special Rapporteur has discussed the situation of people of African descent (see subsection B.1), Roma (see subsection B.2) and those who face discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status (see subsection B.3).

1. People of African descent

27. In the context of the celebration of the International Year for People of African Descent, the Special Rapporteur contributed to the thematic discussion on "Racial discrimination against people of African descent", held by the Committee on the Elimination of Racial Discrimination in Geneva on 7 March 2011. In addition, he participated in the thematic discussion on "People of African descent: Overview of the current situation facing people of African descent", held in the framework of the tenth session of the Working Group of Experts on People of African Descent on 29 March. A joint statement on "Recognition, justice and development: a road map to achieve full equality for people of African descent" was also delivered by the Special Rapporteur and other United Nations independent human rights experts on the occasion of the International Day for the Elimination of Racial Discrimination on 21 March.

28. The Special Rapporteur acknowledged that progress and positive changes had been made; however, he emphasized that important challenges still remained. Indeed, despite century-long fights against racism and racial discrimination, people of African descent continued to be discriminated against and marginalized as a result of the historical injustices and grave human rights violations they had suffered from in the past, including slavery and the transatlantic slave trade. That was particularly blatant in the areas of education, employment, health and housing. Inequalities also seeped into the access to political decision-making and judicial systems. In the administration of justice in particular, important challenges remained with regard to racial discrimination against people of African descent and their unequal treatment before the law, especially in the criminal justice system. They often face institutional racism in the area of penal administration. Racial profiling by the police also adversely affects them.

29. Inequalities in all aspects of daily life of people of African descent demand continued urgent attention. Subtle, but ever present, structural discrimination or institutionalized racism is part of their everyday existence. They are regrettably not accepted as part of the culture within public institutions or private enterprises, nor within the wider society. It is crucial to recognize that racism and racial discrimination against people of African descent remain embedded in societies.

30. In that context, the Special Rapporteur also emphasized the situation of women and girls of African descent who often suffer multiple forms of discrimination on the basis of their descent and gender. Women and girls of African descent are regularly more marginalized and discriminated in comparison to men in key areas such as education, public and political life, health, and access to labour markets and they remain particularly vulnerable to exploitation, trafficking, racial abuse and violence.

31. In the Special Rapporteur's view, the participation of people of African descent in political, economic, social and cultural aspects of society, as well as in the advancement and economic development of their countries, is indispensable for an inclusive society. A particular reference was made in that regard by the Special Rapporteur to paragraph 32 of the Durban Declaration,[6] which affirms the importance and necessity of ensuring the full integration of people of African descent into social, economic and political life with a view to facilitating their full participation at all levels in the decision-making process. The invaluable contributions to the economic, social, cultural, civil and political life of society that have been made by people of African descent were also emphasized.

32. Racial discrimination against people of African descent is a major obstacle to achieving development. The Special Rapporteur therefore recalled that meaningful participation and empowerment, equality and non-discrimination were central features of a human rights-based approach to development and that progress in the achievement of the Millennium Development Goals should be encouraged.

2. Roma

33. In his annual report submitted to the Human Rights Council at its seventeenth session, the Special Rapporteur analysed the issue of racism, racial discrimination, xenophobia and related intolerance against Roma. He noted that despite the wide range of measures taken by States at the regional and national levels to eliminate racism and racial discrimination against Roma, more remained to be done in the light of their current situation. Indeed, important challenges remained that revealed grave and deep-rooted problems of racism, racial discrimination, xenophobia and related intolerance against Roma. In that regard, the Special Rapporteur stressed that Roma were particularly exposed to racism, racial discrimination, xenophobia and intolerance when it came to the enjoyment of their rights to education, health, employment and housing. The widespread discrimination they faced fed their marginalization and social exclusion in a vicious manner. The Special Rapporteur noted with concern the segregation of Roma children in schools, the high rate of unemployment of Roma, their forced evictions and growing segregation in the area of housing, and the discriminatory practices they experienced while accessing health care and services.

[6] See A/CONF.189/12 and Corr.1, chap. I.

34. While the socio-economic marginalization and exclusion of Roma was one of the most frequent manifestations of the racism and racial discrimination they faced, Roma were also victims of discrimination in the enjoyment of their civil and political rights. Indeed, in a number of countries, Roma were discriminated against in their access to citizenship, and they were still widely excluded from the public and political life of many countries, where they remained underrepresented or not represented at all in States' public administration and institutions, or in political parties. The Special Rapporteur also noted with concern that Roma were discriminated against in access to justice, including in the criminal justice system, where discriminatory attitudes by prosecutors, excessive delays in dealing with cases brought by Roma and racial profiling by the police were reported.

35. Violence against Roma by private and public actors remains a serious and increasing problem in many countries. In this context, the Special Rapporteur highlighted abuse and violence against Roma by the police, the rise of extremism which increased Roma vulnerability to racist violence, and the persistence of racist and xenophobic discourse against Roma by public officials and politicians, including high-ranking State officials.

36. The situation of Roma migrants who face double discrimination as Roma and non-citizens was also raised with concern by the Special Rapporteur. He noted that the poverty they experienced in their country of origin, as well as racism, racial discrimination and marginalization, often helped to explain their emigration. Furthermore, for several years Roma migrants had frequently been targeted by security policies and discourse that had sometimes resulted in their expulsions. In that regard, the Special Rapporteur expressed his concern about the targeted expulsion of Roma migrants, including to countries where they were likely to face discrimination. He called upon States to respect the rights of Roma migrants as guaranteed by the relevant regional and international human rights instruments.

37. While assessing the reasons for racial discrimination and racism against Roma remained complex, the Special Rapporteur stressed that three main factors, which should not be considered as exhaustive, might explain the persistence of such a situation. They included the lack of participation of Roma in decision-making processes, the lack of implementation of policies and legislation targeting Roma, and the structural dimension of the racism and racial discrimination they faced. In that regard, the Special Rapporteur also underlined that Roma were confronted with institutionalized discrimination reflected both in legislation, policies and administrative measures, and in the discriminatory attitudes of State officials. He emphasized the need for States to ensure that the behaviour of their agents complied with their international human rights obligations.

3. Discrimination based on work and descent, including discrimination based on caste and analogous systems of inherited status

38. The Special Rapporteur has repeatedly raised the negative impact of discrimination based on work and descent on the full enjoyment of civil, cultural, economic, political and social rights. He reaffirms that States have to recognize that discrimination on the ground of descent constitutes a form of racial discrimination prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination. The Special Rapporteur has associated himself with the position taken by the Committee on the Elimination of Racial Discrimination which

in its general recommendation No. 29: Article 1, paragraph 1, of the Convention (Descent) (2002), strongly reaffirmed that "discrimination based on 'descent' includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights".

39. The Special Rapporteur would like to stress that multiple discrimination compounds the severity of the plight of low castes, who sometimes form part of a religious minority. For instance, many Hindu members belonging to "scheduled castes" (Dalits) experience segregation in access to housing, live below the poverty line, earn less than the minimum wage and have no access to education. They suffer from numerous diseases, not least because of lack of access to safe drinking water and sanitation, and sometimes face discrimination in accessing public-health facilities. Pervasive discrimination keeps them poor, uneducated, in terrible living conditions and in menial jobs. Discriminated against in terms of education, children of lower castes are among the most vulnerable, facing recruitment as child labour, soldiers or as sex workers, and rampant torture and corporal punishment. Trafficking and the sale of children, especially young girls, and infanticide of female children are other multiple forms of discrimination. Women and girls face multiple discrimination, including through sexual exploitation, forced prostitution, violence in their family and communities, and from actors in other castes.

40. At the same time, the Special Rapporteur has identified good practices and challenges in the fight against discrimination based on work and descent at the international and national levels. He notes with satisfaction that some Governments have taken initiatives to address the problems facing communities affected by discrimination based on work and descent, and he encourages them to continue their efforts, share best practices and take the lead in regional and international initiatives to eliminate this form of discrimination.

41. However, despite Government efforts to eradicate this type of discrimination through constitutional guarantees, legislation and affirmative action programmes, the Special Rapporteur notes that caste-based discrimination remains deplorably widespread and deeply rooted. He would like to reiterate that, notwithstanding the existence of international legal obligations to protect against discrimination based on work and descent, certain Governments have failed to implement such obligations effectively and have, in some instances, sidestepped the question of caste discrimination by claiming that it does not fall under the scope of the international conventions, such as the International Convention on the Elimination of All Forms of Racial Discrimination, in contrast to the opinion of the Committee on the Elimination of Racial Discrimination. In that regard, he again recommends that the general measures contained in general recommendation No. 29 (2002) of the Committee on the Elimination of Racial Discrimination be implemented.

42. The Special Rapporteur recommends the continued use of the draft principles and guidelines for the elimination of discrimination based on work and descent[7] as a guiding framework for the elaboration of effective measures to be taken by States to fulfil international legal obligations, and invites Governments to consider creating a consultative body of regional human rights institutions to study the issue and raise regional awareness. Furthermore, the Special Rapporteur recommends that measures

[7] www2.ohchr.org/english/bodies/hrcouncil/docs/11session/CRP/A-HRC-11CRP3.pdf.

with regard to the legal framework be taken hand-in-hand with awareness-raising measures.

C. Best practices in the fight against racism, racial discrimination, xenophobia and related intolerance

43. The issue of best practices in the fight against racism, racial discrimination, xenophobia and related intolerance has been addressed on several occasions by the Special Rapporteur, including at the "Panel discussion on best practices in the fight against racism, racial discrimination, xenophobia and related intolerance", held in the framework of the seventeenth session of the Human Rights Council on 15 June 2011. The Panel was organized in the context of the upcoming celebration of the tenth anniversary of the Durban Declaration and Programme of Action.

44. On that occasion, the Special Rapporteur had the opportunity to share his experience on this issue. Good practices highlighted by the Special Rapporteur included legal, policy and institutional measures identified during his country visits and in his reports to the Human Rights Council and the General Assembly. The Special Rapporteur noted, in particular, the development of some national laws against racism and racial discrimination that provided good protection.

45. The outcome document of the Durban Review Conference,[8] in paragraph 28, reaffirmed the call upon States to formulate action plans to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance. In that regard, the Special Rapporteur stressed that some States had developed national action plans against racism that were in line with the provisions of the Durban Declaration and Programme of Action. In some cases, those national action plans and strategies had been elaborated to cover specific groups of individuals, including, for instance, the Roma. The Special Rapporteur also highlighted the specific measures adopted to protect migrant workers, including through the setting up of channels for foreign workers to submit complaints and the establishment of language and financial assistance to file lawsuits in court.

46. The Special Rapporteur also stressed that several countries had already invested in education to foster mutual understanding and respect for cultural diversity, and that some educational policies and programmes had been developed to contribute to the peaceful coexistence of the diverse communities at the national level. Other positive examples identified by the Special Rapporteur included the training of law enforcement agents and awareness-raising measures.

47. In this context, the Special Rapporteur reiterated that creating an institutional framework for the adequate promotion and sharing of best practices in the fight against racism would help States to draw on positive lessons that could be transferred to other contexts. The best practices database of OHCHR, once finalized, will be a key tool in the identification and sharing of good practices. States can also make better use of the universal periodic review process to share good practices.

[8] See A/CONF.211/8, chap. I.

III. Activities of the Special Rapporteur

48. In this section, the Special Rapporteur refers to further activities carried out since the submission of his previous report to the General Assembly, including country visits (subsection A), thematic press releases (subsection B) as well as seminars and consultations (subsection C).

A. Country visits

1. Mission to Hungary

49. The Special Rapporteur visited Hungary from 23 to 27 May 2011. He would like to reiterate his sincere appreciation to the Government of Hungary for its full openness and cooperation throughout the visit. A detailed report containing the observations and conclusions of the Special Rapporteur on the visit will be submitted to the Human Rights Council at its twentieth session, in 2012.

50. At the press conference held in Budapest on 27 May 2011,[9] the Special Rapporteur highlighted the particular context of his visit, which occurred more than 10 years after the first visit to Hungary of a previous Special Rapporteur on racism, and at a time when the Government of Hungary had adopted a new Constitution and was holding the European Union's presidency. He further recalled that the issues raised during his mission had to be understood in the context of the history of Hungary, in particular, the impact of the fall of the Communist regime on disadvantaged groups, especially the Roma minority.

51. The Special Rapporteur commended the Government of Hungary for the significant efforts made to fulfil its international human rights obligations and commitments with respect to the situation of national and ethnic minorities and the fight against racism, racial discrimination, xenophobia and related intolerance. He noted that key legislative, institutional and political measures had been taken. In that regard, he welcomed, among others, key achievements such as Act LXXVII of 1993 on the Rights of National and Ethnic Minorities, and Act No. CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities, which both provided a comprehensive and valuable legislative framework on anti-discrimination. The Special Rapporteur also welcomed the unique Hungarian system of minority self-governments, the newly adopted agreement between the Government and Roma leaders, and the European Roma Strategy initiated by the Hungarian presidency of the Council of the European Union.

52. While much had been achieved in the past few years, the Special Rapporteur emphasized that challenges remained, including in relation to the implementation of the measures taken. He stressed that Hungary had to ensure that all those measures led to an effective outcome that would cover the situation of all the individuals who experienced racism and racial discrimination. He identified critical areas which deserved specific attention and determined action. In that regard, he stressed that the situation of refugees, asylum-seekers and migrants was a matter that called for specific attention. The Special Rapporteur also emphasized the importance of ensuring that the constitutional changes would not weaken the legal and institutional

[9] The full text of the press release is available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11078&LangID=E.

framework for the protection of minorities' rights. He recommended an effective empowerment of members of minorities.

53. The Special Rapporteur stressed that the situation of Roma individuals, who represented the largest minority group in Hungary, had worsened in the last years, as also recognized by Government officials. They faced racism and racial discrimination, including segregation in the area of education, and were exposed to violence and abuse. Being aware of the historical roots of the current situation of Roma and the difficulties in fixing it, the Special Rapporteur underlined the urgent need for a strong political will to address their situation. There was a great urgency to reinvigorate the education of Roma with all the necessary resources of the Government of Hungary. It was essential that Hungary develop a comprehensive approach for Roma and elaborate a consolidated and coordinating programme of implementation at all levels, starting at the local level. The gap between Hungary's engagement at the international level and the commitment of local governments must be filled in that regard.

54. Finally, the Special Rapporteur underlined that immediate action was required to tackle anti-Semitism. He also called upon the vigilance of the Government vis-à-vis the resurgence of extremist political parties, movements and groups, some of which were alleged to have a racist platform, and he drew the attention of the Government to the recurrence of hate speech.

2. Forthcoming missions

55. The Special Rapporteur would like to thank the Government of Bolivia, which has accepted his request to visit the country. He plans to undertake the mission before the end of 2011. He would like also to thank the Government of South Africa for inviting him to conduct a mission, which he plans to carry out as soon as possible.

56. The Special Rapporteur is very much looking forward to engaging in a constructive dialogue, respectively, with the authorities of the Governments of Bolivia and South Africa on all matters related to his mandate.

B. Thematic press releases

57. On 10 December 2010, in a joint statement delivered by the Coordination Committee of Special Procedures on behalf of mandate holders of the Human Rights Council on the occasion of Human Rights Day,[10] the Special Rapporteur paid tribute to human rights defenders who act against discrimination globally and called for their greater protection. Human rights defenders were the front line of efforts to confront discrimination and all violations of rights — their work was vital, yet they were frequently under threat and must be better protected. On that occasion, the Special Rapporteur also emphasized that human rights defenders had advanced the human rights agenda and brought the principles of the Universal Declaration of Human Rights closer to reality in their societies, promoting equality, the rule of law and justice through their commitment and sacrifices. They had helped to shape the laws and policies that established that no one should be the victim of discrimination. He further underlined that human rights defenders and non-governmental

[10] The full text of the press release is available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10587&LangID=E.

organizations were essential to the functioning of free and fair societies in which anyone, irrespective of his or her ethnicity, religion, gender, politics or sexual identity, had the right to object to inequality or mistreatment and to seek justice and redress.

58. On 17 September 2010, in anticipation of the High-level Plenary Meeting on the Millennium Development Goals, the Special Rapporteur issued a joint press release on the achievement of the Millennium Development Goals,[11] in which he noted that significant progress had been made on the achievement of a number of Millennium Development Goals, but much more needed to be done. A focus on human rights was needed to tackle the structural problems, at both national and international levels, that underpinned and sustained the poverty and underdevelopment whose effects the Millennium Goals tried to alleviate. He emphasized that the Goals were laudable political commitments and had been useful in mobilizing money and energy, but States could achieve those Goals sustainably only if they were guided by human rights obligations that defined which actions should be taken, and by whom. Furthermore, the Special Rapporteur stressed that good governance and the rule of law at national and international levels were critical.

C. Seminars and consultations

59. On 30 November 2010, the Special Rapporteur held an expert consultation in Geneva on the theme "Equality, non-discrimination and diversity: challenge or opportunity for the mass media?". That discussion brought together 12 experts with work experience in mass media organizations with a global outreach, as well as the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on freedom of religion or belief. In terms of their professional backgrounds, the 12 experts included a newspaper editor, television anchor, foreign correspondent, wire reporter, online blogger, head of newsgathering and representatives of an umbrella organization of journalists, an international human rights organization, the United Nations Educational, Scientific and Cultural Organization and the Alliance of Civilizations. As part of the discussion, two specific cases studies were analysed, i.e., the media coverage of recent plans to burn copies of the Koran[12] and the challenges of reporting on post-electoral conflicts in an ethnically divided country.[13] The Special Rapporteur learned more about the decision-making processes within the different mass media organizations and the conditions for making their day-to-day judgement calls, adhering to the key principles of professionalism and independence. The experts highlighted several challenges faced by mass media, for example, the increasingly competitive nature of the industry and the need to provide news around the clock, coupled with a global and evolving media landscape. Drawing on their work, the experts also reflected upon existing initiatives and guidelines used by mass media

[11] The full text of the press release is available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10344&LangID=E.

[12] See also the allegation letter of the Special Rapporteurs dated 8 September 2010 (A/HRC/17/40/Add.1, paras. 149-155).

[13] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=2122&LangID=E.

organizations to promote equality, freedom of expression and diversity.[14] They acknowledged that self-regulation for mass media was the best system, albeit imperfect, yet they also emphasized that self-regulation should not lead to detrimental self-censorship or a conspiracy of silence. They also stressed the importance of skills training, including with respect to investigative reporting.

60. On 10 January 2011, the Special Rapporteur contributed to the session on the theme "ECRI [European Commission against Racism and Intolerance] and its international partners: cooperation and synergies", held in the framework of the seminar organized by the Council of Europe on "The fight against discrimination based on racial, ethnic, religious or other bias" in Ankara. While recalling the Durban documents' provisions on the role of regional bodies, the Special Rapporteur underlined the considerable contribution of the European Commission against Racism and Intolerance, the Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights and the European Union Agency for Fundamental Rights in the fight against racism at the European level. In order to strengthen cooperation, the Special Rapporteur emphasized that adopting a comprehensive legal framework addressing all forms of racism and discrimination, as it existed at the United Nations and at European levels, was the correct strategy. In addition, best practices should be shared with other countries and regions on a regular basis, including on complementary measures such as education and awareness-raising initiatives aiming at promoting understanding within society. The Special Rapporteur took the view that a more regular exchange of experiences could certainly provide a framework for the development of useful tools to fight discrimination and racism, making use of the lessons learned. He encouraged further joint action of national, regional and international mechanisms fighting discrimination, and welcomed more interaction with European mechanisms, including with respect to the preparation of country visits in Europe, data, studies, case law, and legal and policy measures. A common approach on some issues would also be worthwhile.

IV. Conclusions and recommendations

61. **The Special Rapporteur takes note of the valuable efforts made by States to address the challenges related to the thematic issues raised in the present report, and commends Governments for having developed a number of good practices both at national and regional levels. However, the Special Rapporteur would like to emphasize that much remains to be done to effectively counter the racism, racial discrimination, xenophobia and related intolerance faced in practice by many women, men and children worldwide.**

62. **Racism, racial discrimination, xenophobia and related intolerance unfortunately continue to have a negative impact on the full enjoyment of civil, cultural, economic, political and social rights. This is particularly blatant for**

[14] See, for example, Al Jazeera's *Code of Ethics* (http://english.aljazeera.net/aboutus/2006/11/2008525185733692771.html); the British Broadcasting Corporation's *Editorial Guidelines* (www.bbc.co.uk/guidelines/editorialguidelines); *Camden Principles on Freedom of Expression and Equality*, prepared by Article 19 (www.article19.org/data/files/medialibrary/1214/Camden-Principles-ENGLISH-web.pdf); and the International Federation of Journalists, *The Ethical Journalism Initiative* (http://ethicaljournalisminitiative.org).

people of African descent, Roma, members of communities based on caste or analogous systems of inherited status and ethnic minorities in general, including in the areas of education, employment, health, housing, access to citizenship, administration of justice, racial profiling as well as access to political decision-making and judicial systems. In addition, women and girls belonging to certain communities remain particularly vulnerable to exploitation, trafficking, racial abuse and violence.

63. Against this background and pursuant to the thematic issues of concern raised in the present report, the Special Rapporteur would like to make the following general recommendations which could be used by States as tools for further analysis and progress.

64. A first step to be taken to address the scourge of racism, racial discrimination, xenophobia and related intolerance is to recognize its existence in our societies as well as in State institutions. While the Special Rapporteur is aware of the difficulty in acknowledging such a reality, he is, however, convinced that recognition is a vital first step towards ending racial discrimination.

65. States are not necessarily aware of the manifestations and the spread of racism and racial discrimination in their societies and how it impacts on the everyday life of the victims, including in terms of marginalization and social exclusion. The absence of appropriate tools to assess the situation, including reliable statistics and data, is among the reasons for such a situation. The Special Rapporteur reiterates that such data and statistics are not only needed to identify the persons and groups affected by racial discrimination, but also to better understand the nature and extent of the inequalities they face, and design targeted policies and measures that will remedy inequalities. He therefore encourages States to collect ethnically disaggregated data and to improve the quality of existing data-collection systems. Such collection must be done in consultation with the concerned groups of individuals and in accordance with international human rights standards. The Special Rapporteur also strongly recommends collecting data on racist and xenophobic crimes perpetrated by individuals closely linked to extremist political parties, movements and groups, including neo-Nazis and skinhead groups. Ethnically disaggregated data may also be an important tool to have a comprehensive picture of the structural dimension of racism and racial discrimination in countries.

66. In addition, the Special Rapporteur strongly calls upon all States Members to demonstrate further political will to prevent and combat racism and racial discrimination, and to promote further effective action to eliminate instances of racism, racial discrimination, xenophobia and related intolerance around the world. Indeed, the elimination of racism and racial discrimination is not always seen as a priority. In this regard, the Special Rapporteur reaffirms that the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference form the most comprehensive international framework in the fight against racism, racial discrimination, xenophobia and related intolerance. He calls upon all States to bring their support to the Durban process and to effectively implement the commitments contained in those documents. He also urges the concerned States to ratify the

International Convention on the Elimination of All Forms of Racial Discrimination.

67. Recognition and strong political will may lead to results if they are also coupled with an increased vigilance, especially with regard to the rise of certain manifestations and forms of racism and racial discrimination, including the phenomenon of extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar ideological extremist movements. The Special Rapporteur recalls that no State is immune from such phenomena. In this regard he reiterates that political leaders and political parties must strongly condemn all political messages that disseminate ideas based on racial superiority or hatred, incitement to racial discrimination or xenophobia. Respect for human rights and freedoms, democracy and the rule of law must always be the cornerstone of any programme or activity developed by political parties, while they bear in mind the need to ensure that the political and legal systems reflect the multicultural character of their societies at all levels.

68. The Special Rapporteur encourages States to develop a comprehensive approach when designing measures to address the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights.

69. Furthermore, while developing such a comprehensive approach, States should take into account the structural dimension of racism, racial discrimination, xenophobia and related intolerance, including as experienced by some groups of individuals such as people of African descent, Roma and the victims of discrimination based on work and descent. Indeed, the root causes of structural discrimination need to be addressed through a comprehensive approach that will make it possible to address this phenomenon in all its dimensions. In this regard, the Special Rapporteur urges States to review and redesign legislation, policies and programmes that have a disproportionate effect, including the legislation, policies and programmes that discriminate indirectly against some specific groups of individuals. He further recommends the adoption of national strategies and plans of action against racism, focusing on structural discrimination and the interrelation between racism and the socio-economic or political exclusion of certain parts of their population.

70. An appropriate legal response is a fundamental pillar of the approach recommended by the Special Rapporteur in the present report. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, as should the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts. In this regard, the Special Rapporteur recommends the enactment of legislation consistent with international human rights standards, including article 20, paragraph 2, of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. States are also urged to introduce into their domestic criminal law a provision according to which committing an offence with racist or xenophobic motivation or aim constitutes an aggravating circumstance allowing for heavier sanctions. The Special Rapporteur also calls upon States to fully

implement articles 19 to 22 of the International Covenant on Civil and Political Rights, which guarantee the rights to freedom of expression, assembly and association and determine the limitations thereto. In this regard, he emphasizes that States should never lose sight of the fact that the ultimate goal, while addressing the issue of incitement to national, racial or religious hatred, is to find the most effective ways through which individuals can be protected from advocacy of hatred and violence by others.

71. Legal responses are far from being sufficient to bring about real changes. Indeed, legislative measures should be complemented by a much broader set of policy measures, such as affirmative action; the collection of ethnically disaggregated data and statistics; human rights training of State agents; and educational and awareness-raising measures to foster mutual understanding, respect and tolerance.

72. The design and implementation of affirmative action measures or programmes are recommended, including to redress the historical inequalities experienced by certain groups of individuals such as people of African descent, Roma and the victims of discrimination based on work and descent. In this regard, the Special Rapporteur urges States to develop and implement special measures in line with general recommendation No. 32 of the Committee on the Elimination of Racial Discrimination, and the Durban provisions.

73. Racism and racial discrimination within State institutions is a reality that States should not deny. In this regard, the Special Rapporteur recommends that States strengthen the capacity of law enforcement agents and members of the judiciary through regular, adequate and mandatory human rights training activities focusing on racism, racial discrimination, xenophobia and related intolerance, that will also cover racist and xenophobic crimes perpetrated by individuals closely linked to extremist political parties, movements and groups, including neo-Nazis and skinhead groups.

74. To address the root causes of racism and racial discrimination within society and build a society based on tolerance, respect for cultural diversity and non-discrimination, the Special Rapporteur strongly recommends that States invest in education. In this regard, the Special Rapporteur would like to emphasize in particular the importance of history classes in teaching the history of people of African descent, Roma and other communities, their culture and positive contributions, as well as the grave human rights violations they have suffered in the past. He further recalls that human rights education is a major tool in countering the rise of extremist political parties, movements and groups.

75. States should also raise awareness and challenge long-entrenched perceptions to help to shape public opinion towards fairer and more equitable societies. Awareness-raising measures to inform and sensitize populations should therefore complement education efforts. In this regard, the Special Rapporteur calls upon national human rights institutions to develop appropriate programmes to promote tolerance of, and respect for, all persons and all human rights, and to combat extremism.

76. Furthermore, particular attention should be paid to the victims. In this respect, the Special Rapporteur urges States to guarantee to victims of racism

and racial discrimination full access to effective legal remedies, including the right to seek just and adequate reparation. Prompt, thorough and impartial investigation of racist and xenophobic attitudes and crimes should be undertaken, the victims should be made aware of their rights, and those responsible adequately sanctioned. The empowerment of the victims of racism and racial discrimination through further measures to ensure their access to quality and higher education is also a major step to be taken by States. Furthermore, the Special Rapporteur urges States to ensure that victims of racism and racial discrimination be involved in the design, decision-making, implementation and evaluation processes of the national policies, especially those affecting them.

77. **The Special Rapporteur reiterates that all the measures taken to prevent and eliminate racism and racial discrimination should be designed and implemented in conformity with international human rights standards. Moreover, it is crucial that the comprehensive approach, based on a solid legal framework, and key complementary measures are implemented in an effective, inclusive and cooperative manner with the involvement of relevant stakeholders. In this regard, the Special Rapporteur recommends strengthening and better coordinating implementation efforts at the national and local levels, and he encourages States to duly cooperate with civil society organizations, the United Nations and regional human rights mechanisms. He also recommends that further efforts be made by States to share good practices that have been developed at the local, national and regional levels to prevent and eliminate racism, racial discrimination, xenophobia and related intolerance.**

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

Report of the Secretary-General

Summary

The present report describes the activities of the United Nations system in providing electoral assistance to Member States over the past two years. United Nations electoral assistance is provided only at the request of a Member State or on the basis of a resolution of the Security Council or the General Assembly. The report indicates that the demand from Member States for United Nations electoral assistance remains high. During the biennium, the United Nations assisted over 50 countries.

As the focal point for electoral assistance activities, the Under-Secretary-General for Political Affairs is responsible for the Organization's electoral policy and for ensuring system-wide coherence and consistency in all United Nations electoral activities. In these tasks, he is supported by the Electoral Assistance Division of the Department of Political Affairs, which also assists with the design and staffing of United Nations electoral activities and maintains both the roster of electoral experts and the Organization's electoral institutional memory.

In peacekeeping or post-conflict environments, electoral assistance is generally provided through components of field missions under the aegis of the Department of Peacekeeping Operations or the Department of Political Affairs. The United Nations

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Development Programme (UNDP) usually plays a supporting role to electoral assistance mandates undertaken by field missions. UNDP is the Organization's major implementing body for support to electoral laws, processes and institutions outside the peacekeeping or post-conflict context.

A number of other United Nations departments, agencies, funds and programmes are also involved in the provision of electoral assistance, including the Department of Field Support, the United Nations Democracy Fund, the Office of the United Nations High Commissioner for Human Rights, the United Nations Volunteers programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), and the United Nations Office for Project Services.

The report highlights progress in the coordination of electoral assistance both within the Organization and with outside actors. The report also notes the various funding vehicles for electoral assistance and the need for Member State contributions.

It further notes work done by the Organization in the area of gender and elections. The United Nations continues to prioritize assistance to making election processes inclusive, with attention to ensuring that women and underrepresented groups are able to take part in the political life of their country. This increasingly includes advice on application of relevant provisions of the Convention on the Elimination of All Forms of Discrimination against Women, including, in particular, its provisions regarding temporary special measures.

The report notes that although the vast majority of the world's electoral processes are conducted peacefully, elections can on occasion trigger violence. Most often technical shortcomings are not the fundamental cause of violence, but merely the spark that ignites deeper-rooted social, economic or political tensions. To contain those risks, mediation and good offices, preferably in collaboration with regional or subregional organizations, can be made available upon request to supplement technical advice.

The report also deals with issues of sustainability and cost-effectiveness, calling for them to be central considerations in design and provision of electoral assistance, whether by the United Nations or other bodies. It urges Member States and donors to consider carefully the cost of elections, and of electoral assistance, in the light of other development needs.

The report notes an intention to prioritize in the next biennium the improvement of coherence, predictability and accountability in delivery of electoral assistance. Such efforts should be built upon the clear leadership role in all matters related to electoral assistance assigned by the General Assembly to the focal point for electoral assistance matters.

The report concludes with an emphasis on governance. Investments in elections will not yield sustainable peace and development without independent and professional judiciaries, open, pluralistic media, a robust civil society, a credible government and effective governance at all levels.

I. Introduction

1. The present report has been prepared in conformity with General Assembly resolution 64/155 and covers electoral activities undertaken by the United Nations since the previous report on this subject (A/64/304).

2. It has been 20 years since the first report to the General Assembly on the Organization's work on supporting elections. Looking back, it is difficult to identify a moment when the desire for genuinely and credibly elected leadership was expressed more dramatically than it was in 2011. The events which began in Tunisia and continue to unfold in the Middle East and North Africa seem to embody the provision of the Universal Declaration of Human Rights that "the will of the people shall be the basis of authority of government [and that] this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures".

3. Regrettably, the reporting period has also seen elections — including some supported by the United Nations — act as a spark to ignite deep-seated grievances, leading to violence and loss of lives.

4. The present report provides an opportunity to both reflect on how the United Nations can best assist those Member States which have new electoral needs and aspirations, and how it can best assist in preventing or mitigating electoral-related conflict and violence.

5. United Nations electoral assistance can be provided to a Member State only upon request and/or a mandate from the Security Council or General Assembly. United Nations electoral assistance is provided in conformity with the principle of the sovereign equality of States and the realization that there is no single electoral methodology or system that is appropriate for all countries. Therefore, a needs assessment is always carried out before any electoral assistance is agreed or provided in order to ensure the assistance is tailored to the specific needs of the situation.

6. The United Nations today is able to provide the following five basic types of electoral assistance, the first two of which require a General Assembly or Security Council mandate, and are now rarely utilized: (a) organization and conduct of elections; (b) verification/certification; (c) technical assistance; (d) expert panels; and (e) coordination of international observers.

7. The United Nations has not observed an election since 2001 (Fiji); in contrast, many regional organizations are prioritizing this activity. Today, most United Nations electoral support consists of some type of technical assistance. In recent years, the United Nations has twice been asked to undertake certification of an election. This mandate requires the Organization to verify publicly that various stages of an electoral process are credible and that they conform to that country's national laws and international commitments on elections. Certification mandates are rare and require a Security Council or General Assembly mandate. For example, in Côte d'Ivoire, the United Nations peacekeeping mission has a certification mandate that had its genesis in relevant peace agreements before being included in a Security Council resolution (see also para. 42 below).

8. During the reporting period, the United Nations provided electoral assistance to more than 50 Member States (see annex II), 11 of them on the basis of a Security

Council mandate. Selected examples of electoral assistance are listed in annex I to the present report.

9. The present report summarizes the work of the United Nations departments, funds, programmes and agencies regarding electoral assistance during the reporting period and discusses cooperation within and outside the United Nations system. It further makes a number of observations aimed at strengthening the provision of electoral assistance by the United Nations system.

II. United Nations electoral assistance during the reporting period

A. Mandates and activities

10. United Nations assistance to Member States in conducting credible, periodic and genuine elections continues to be a system-wide endeavour. The United Nations institutional framework benefits from relatively clear mandates from the General Assembly. The Under-Secretary-General for Political Affairs is the United Nations focal point for electoral assistance matters (hereinafter the focal point), with a mandate under Assembly resolution 64/155 to ensure coordination and coherence and avoid duplication of United Nations electoral assistance. The focal point is also charged by the Assembly with the development and dissemination of electoral policies, building and maintaining the Organization's electoral institutional memory, and maintaining a diverse roster of pre-screened electoral experts who can be quickly deployed to any United Nations assistance project.

11. The focal point is supported in these functions by the Electoral Assistance Division of the Department of Political Affairs. The Division conducts all electoral needs assessments for the Organization, recommends to the focal point the parameters for all United Nations electoral assistance and advises on the design of all United Nations electoral projects. It provides, on behalf of the focal point, ongoing political and technical guidance to all United Nations entities involved in electoral assistance, including on the Organization's normative framework and best practices gleaned from the Organization's electoral institutional memory. In its resolution 63/261 on strengthening of the Department of Political Affairs, the General Assembly approved a total of eight new core posts (4 Professional and 4 General Service) and one post reclassification for the Electoral Assistance Division. These posts are now filled, and have greatly strengthened the ability of the Department to carry out its electoral mandate.

12. The United Nations Development Programme (UNDP) is the Organization's major implementing body for support to developing electoral laws, processes and institutions outside the peacekeeping or post-conflict context. In its resolution 64/155, the General Assembly requested UNDP to continue its democratic governance assistance programmes, in particular those that promote the strengthening of democratic institutions and linkages between civil society and Governments.

13. In peacekeeping or post-conflict environments, electoral assistance is generally provided through components of field missions under the aegis of the Department of Peacekeeping Operations or the Department of Political Affairs. With

the trend towards integrated United Nations efforts, UNDP is increasingly providing support to electoral assistance mandates undertaken by field missions under the aegis of the two Departments. The Electoral Assistance Division provides political and technical guidance to the electoral components of such field missions.

14. The Office of the United Nations High Commissioner for Human Rights (OHCHR) continues to provide training and advice on human rights monitoring in the context of elections, support and organization of campaigns for violence-free elections, engage in advocacy for human rights-compliant electoral laws and institutions and monitor and report on human rights violations during electoral processes. Since July 2010, the United Nations Subregional Centre for Human Rights and Democracy in Central Africa, acting as the OHCHR regional office for Central Africa, has carried out capacity-building activities for various actors on the promotion of human rights and democracy during electoral periods.

15. Other parts of the United Nations system involved in election-related activities include: the Department of Field Support, which is primarily responsible for providing logistics, procurement, human resources and financial administration support to the Department of Peacekeeping Operations and the Department of Political Affairs; the United Nations Office for Project Services, which provides support to electoral activities, largely in post-conflict/peacekeeping environments, in partnership with the Department of Political Affairs, the Department of Peacekeeping Operations, UNDP and Member States; the United Nations Volunteers programme, which provides electoral staff to work in UNDP, the Department of Peacekeeping Operations and the Department of Political Affairs field operations; the United Nations Fund for Democracy, which funds democracy-related civil society projects; and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), which provides technical expertise, on request, to institutional stakeholders to ensure that gender equality and women's rights and participation are adequately addressed and promotes coherence in such technical support.

B. Cooperation and coordination within the United Nations system

16. As I noted in my previous report (A/64/304), although the multiplicity of actors involved in electoral assistance within the United Nations system remains a strength, pressures from within and outside the system can create incentive for disharmony and overlap. In its resolution 64/155, the General Assembly reiterated the importance of reinforced coordination within the United Nations system and reaffirmed the role of the focal point in ensuring system-wide coherence, including by strengthening institutional memory and the development and dissemination of electoral policies.

17. I have therefore made efforts to promote coherence, predictability and accountability of United Nations electoral assistance a priority during the reporting period. To that end, since my previous report:

(a) In September 2010, UNDP and the Department of Political Affairs signed a revised note of guidance on electoral assistance[1] (revising the previous note, see A/56/344, annex II). The note helps to clarify roles and responsibilities so that the two entities can work better together;

(b) I have asked the Department of Field Support and the Department of Management to convene a system-wide discussion on operational arrangements, including recruitment and procurement, to see how procedures that are more flexible and efficient, while ensuring necessary safeguards and controls, could potentially be utilized in electoral activities;

(c) I have asked the Department of Management, the Department of Field Support and the Department of Political Affairs to develop means of ensuring that the General Assembly-mandated electoral roster remains a resource for all United Nations electoral assistance projects, in conformity with new human resources rules (see ST/AI/2010/3), by ensuring the interoperability of the roster clearance and recruitment procedures with those of all agencies and programmes;

(d) I have asked the Department of Political Affairs, with UNDP and in consultation with all relevant partners, to develop plans to enhance production of system-wide policy and best practices documents and to implement the election-related recommendations contained in my 2010 report on women's participation in peacebuilding (A/65/354-S/2010/466);

(e) I have requested the Under-Secretary-General for Political Affairs, as the United Nations focal point for electoral assistance, to facilitate discussions to more clearly delineate the roles and responsibilities of United Nations departments, funds and agencies, in accordance with their mandates as defined by the General Assembly, and appropriate United Nations bodies.

18. The Inter-Agency Coordination Mechanism for Electoral Assistance, chaired by the Electoral Assistance Division, was established in 2009 under the auspices of the focal point to promote information-sharing and further harmonization of the Organization's electoral work. It holds monthly meetings, and is also the forum for coordinating the follow-up to my requests above.

C. Cooperation with other organizations

19. In the reporting period, the United Nations has continued to enhance cooperation with other international, governmental and non-governmental organizations, both in the field and at Headquarters level, with a view to strengthening the delivery of electoral assistance.

20. The increasing multiplicity of assistance providers outside the United Nations system has enriched the knowledge pool and opened new opportunities, including for greater South-South cooperation. The United Nations often supports and facilitates these exchanges.

[1] The September 2010 note of guidance is available in all the official languages of the Organization. For copies, please contact the Electoral Assistance Division at electoralsec@un.org. An English-language copy is available on the UNDP website: see http://www.beta.undp.org/undp/en/home/html.

21. The United Nations continues to be a partner in two global tools that promote capacity-building and institutional memory in electoral knowledge: the ACE Electoral Knowledge Network and the Building Resources in Democracy, Governance and Elections (BRIDGE) project. The ACE Electoral Knowledge Network includes the International Institute for Democracy and Electoral Assistance (International IDEA), Elections Canada, the Electoral Institute of Southern Africa, Instituto Federal Electoral-Mexico, the International Foundation for Electoral Systems, UNDP, the Electoral Assistance Division and the Department of Economic and Social Affairs. The ACE Network provides comprehensive and authoritative information on elections, promotes networking among election-related professionals and offers capacity-development services for electoral management bodies and others. The second electoral knowledge tool, the BRIDGE project, is a partnership of the Australian Electoral Commission, International IDEA, the International Foundation for Electoral Systems, the Electoral Assistance Division and UNDP. The purpose of the partnership is to develop, implement and maintain a comprehensive curriculum on effective administration of electoral processes, and provide modular training packages for electoral management bodies.

22. The United Nations, through UN-Women and UNDP, is also a partner in the International Knowledge Network of Women in Politics (iKNOW), an innovative global platform that uses the exchange of information and networking to promote women's increased role and presence in political processes around the world. Partners also include the Inter-Parliamentary Union, International IDEA and the National Democratic Institute.

23. In 2010, the Kofi Annan Foundation and International IDEA created the Global Commission on Elections, Democracy and Security. It is a high-level panel aimed at providing realistic policy recommendations on how to better deal with challenges to the integrity of elections and to the integrity of international electoral assistance. The Under-Secretary-General for Political Affairs, in his capacity as focal point, and the UNDP Administrator participate as Friends of the Commission.

24. A Framework for Cooperation between the secretariat of the Southern African Development Community (SADC) and the Department of Political Affairs, on behalf of the United Nations Secretariat was signed on 21 September 2010. It provides that the Department shall support the strengthening of the SADC electoral capacity, along with cooperation in mediation and the exchange of lessons learned. The United Nations also continues to work on electoral issues in collaboration with regional intergovernmental organizations including the African Union, the Organization for Security and Cooperation in Europe (OSCE) and many others. I particularly hope to promote further organizational cooperation in the electoral field with the League of Arab States. That cooperation will be particularly important given the rapid developments being seen in the Middle East and North Africa.

25. The European Union and UNDP have developed a strong partnership in electoral assistance over the last seven years. UNDP continues to deliver a significant part of its electoral assistance activities within the formal framework of a partnership with the European Union. In addition to joint projects at the country level, the partnership hosted a number of workshops, including on elections and violence and the use of technology in electoral processes.

26. The United Nations also works with individual Member States on various electoral issues. To name just one, in June 2010, the Electoral Assistance Division

and UNDP, in conjunction with the Government of Romania, organized a workshop on out-of-country voting, attended by representatives of approximately 30 Member States, the European Union, International IDEA, OSCE, and the Association of Central and Eastern European Electoral Officials, as well as members of the United Nations system. I encourage Member States to endorse the key conclusions of the workshop, including that host countries should consider how they can best facilitate and support out-of-country voting on their territories, and that regional organizations could consider developing a set of good practices or guidelines to assist host countries in doing so.

27. Although the United Nations rarely observes elections, the Electoral Assistance Division continues to participate in discussions to further enhance performance of electoral observers, through adherence to the Declaration of Principles for International Election Observation. That document, launched at the United Nations in 2005, aims to harmonize the methodologies of the many intergovernmental and non-governmental organizations engaged in observing elections, including those practices which guarantee respect for national sovereignty. The more than 40 signatories now include the vast majority of recognized and respected actors in the field. I encourage others to join the broad consensus which has emerged around the globe regarding these principles.

III. Gender and elections

28. The United Nations continues to prioritize assistance to making election processes inclusive, with attention to ensuring that women and underrepresented groups are able to take part in the political life of their country.

29. This increasingly includes advice on the application of relevant provisions of the Convention on the Elimination of All Forms of Discrimination against Women, including, in particular, its provisions regarding temporary special measures. The United Nations advocates the inclusion of women in electoral management bodies and encourages and supports efforts by national authorities to include a gender perspective in their electoral laws and regulations. The Organization has contributed to targeted outreach attempts to mobilize women's participation in elections, both as voters and candidates. Special attention has been also accorded to women among internally displaced populations and to women's access to electoral dispute resolution mechanisms.

30. To ensure continued gender mainstreaming in United Nations electoral assistance, the focal point now requires that every electoral needs assessment carried out in response to a request from a Member State includes specific attention to the issue of women's representation. In addition, the Department of Peacekeeping Operations, the Department of Political Affairs, the Department of Field Support, UN-Women and UNDP are revising the "DPKO/DFS-DPA Joint Guidelines on Enhancing the Role of Women in Post-Conflict Electoral Processes", with input from field missions that have used the existing guidelines and using their suggestions for improvement.

IV. United Nations resources for electoral assistance

31. The regular budget of the Electoral Assistance Division covers its core staff costs, while extrabudgetary funds, including the Trust Fund in Support of Political Affairs and the Rapid Response Trust Fund, are also utilized. Electoral assistance projects managed by UNDP country offices are typically funded through voluntary contributions by Member States that often result in multi-partner basket funds, which include national counterparts in the management structure in order to ensure greater national ownership. In integrated peace operations with an electoral component, the peace operations budget covers some of the electoral work, while the balance, often quite substantial, is funded through UNDP multi-donor funding mechanisms. The Peacebuilding Support Office has occasionally utilized its Peacebuilding Fund to provide support when a lack of funding could have put at risk the organization of elections. With core funds and through its Fund for Gender Equality, UN-Women provides complementary funding for gender and elections work, closely aligned to, or integrated in, UNDP-managed electoral assistance projects.

32. Since mid-2009, UNDP has been implementing a Global Programme on Electoral Cycle Support, which strengthens the UNDP practice architecture by, inter alia, developing knowledge products, mainstreaming gender issues into electoral programming and supporting regional and country-level initiatives to strengthen electoral institutions and processes. The Global Programme initiative draws from a dedicated funding source (the Government of Spain, with a contribution from the Government of Canada) and full time advisers to help implement its activities. It is directly executed by the UNDP Bureau for Development Policy, under a Steering Committee consisting of UNDP and representatives of the two donor countries.

33. The United Nations Democracy Fund provides financial support for projects that strengthen the voice of civil society, promote human rights and encourage the participation of all groups in democratic processes, including many projects aimed at building capacity among voters and candidates, training and supporting civil society observers and ensuring wide democratic engagement and participation, including the ACE project. To date, contributions of more than $110 million have been received from over 39 countries, and a further 64 projects were recently approved by me in the fifth funding round.

34. The Trust Fund in Support of Political Affairs, administered by the Under-Secretary-General for Political Affairs, along with the UNDP Democratic Governance Thematic Trust Fund, remain important sources of critical extrabudgetary funding for electoral assistance activities. Such funds allow the implementation of rapid response and innovative or catalytic projects and programmes, including those aimed at the prevention of conflict and at supporting the participation of women and underrepresented groups in political processes. Extrabudgetary funds were used during the reporting period to rapidly establish activities, inter alia, in Haiti, Guinea, the Niger and Kyrgyzstan (for further details, see annex I).

V. Elections and violence

35. In my previous two reports, I expressed concern over the potential for elections to be overshadowed by political discord or violence, especially after results are announced.

36. Such violence can be triggered by electoral shortcomings, such as severely flawed voter lists, the misuse of incumbency, a lack of transparency or the actual or perceived bias of election officials, which can result in real or perceived fraud. However, most often technical shortcomings are not the fundamental cause of violence or violent conflict, but merely the spark that ignites deeper-rooted social, economic or political tensions. Thus, if underlying political conditions are not conducive to confidence among stakeholders, or simply if one of the candidates refuses to accept credible results, elections can be a trigger for violence.

37. We must of course keep the problem in context. The vast majority of the world's elections are conducted peacefully, even though electoral controversy is not uncommon, especially when results are close. In general, such controversy is resolved peacefully by political processes or State institutions. However, where State institutions or political processes do not contain, or, at worst, exacerbate controversy, the result can be violence, death and displacement, with possible broader implications for peace and security.

38. During the biennium, the United Nations took several specific measures to prevent or mitigate violent conflict related to elections. I will mention two cases: Guinea and Côte d'Ivoire.

39. In Guinea, following the death of President Lansana Conté and a coup d'état in 2008, the adoption of the Ouagadougou Accord of 15 January 2010 set the stage for presidential elections on 27 June 2010, followed by a second round on 19 September 2010. These were the first democratic elections in almost 40 years, for a very diverse population during a complicated transition. The United Nations provided technical support to the process through a UNDP project, and also provided political and diplomatic support, within the framework of the International Contact Group on Guinea, co-chaired by the African Union and the Economic Community of West African States (ECOWAS).

40. On the eve of both rounds of elections, the Deputy Director of the Electoral Assistance Division was deployed to support to the UNDP team on the ground. When a last-minute request for funding for security for the elections was presented by the Government, the Peacebuilding Support Office managed to assess the request and release the necessary funding from the Peacebuilding Fund in record time. The United Nations Office for Project Services (UNOPS) provided logistics support on very short notice. In addition, the newly established OHCHR office in Guinea monitored the human rights situation before, during and after the elections, which increased trust and confidence in the process.

41. My Special Representative for West Africa worked closely and intensively with the African Union and ECOWAS during the transition, visiting the country together with envoys of the African Union and ECOWAS more than 20 times, with the support of a United Nations senior mediation adviser specially deployed to Conakry. In the end, despite close results and some political controversy, Alpha Condé was elected President in a largely peaceful process. Among the critical

factors were the appointment of an election commission chairperson who enjoyed trust of the two contestants in the second round, and the statesmanlike acceptance of the final results by runner-up Cellou Dalein Diallo.

42. In Côte d'Ivoire, the United Nations mandate to certify elections was based on the 2005 Pretoria Accord and the subsequent decision of the Security Council (resolution 1765 (2007)). The conditions for certification, developed by the United Nations pursuant to the 2007 Ouagadougou Political Agreement, in consultation with the Facilitator of the inter-Ivorian dialogue, President Blaise Compaoré of Burkina Faso, and the Ivorian parties, included: restoration of peace across the country; an inclusive political process; equal access to the State media; the establishment of objective electoral lists; and fair and unbiased poll results. The first round of presidential elections was held on 31 October 2010, with a second round on 28 November 2010. On 3 December 2010, my Special Representative certified that the fair and unbiased result of the second round was, as announced by the Independent Electoral Commission on 2 December, the victory of Alassane Ouattara.

43. As we know, the refusal of the incumbent to accept the result led, regrettably, to violent conflict and tragic loss of life. Yet the certification provided a consensus basis for diplomatic action, including by ECOWAS, to ensure that the democratically expressed will of the Ivorian people was respected. Although diplomacy did not prevent violence in this case, the legitimate President is now in office, and the United Nations continues to support the Government in addressing key challenges with a view to establishing lasting peace and stability.

44. The obvious contrast between the violent outcome in Côte d'Ivoire and the largely peaceful outcome in Guinea was the refusal of the runner-up, despite urging from the United Nations and other parties, to accept the legitimate outcome.

45. In the aftermath of these two events, my Special Representative in West Africa and the United Nations Office for West Africa (UNOWA) organized a regional conference on elections and stability in West Africa, in May 2011 in Praia, Cape Verde. The conference was hosted by the Government of Cape Verde and organized in partnership with the Department of Political Affairs and UNDP. It received the support of ECOWAS, the African Union, the International Organization of la Francophonie, the European Union and the International Peace Institute. The resulting Praia Declaration on Elections and Stability in West Africa, adopted on 20 May 2011, identified practical recommendations to facilitate the conduct of peaceful elections, including: further encouraging the United Nations-ECOWAS-African Union partnership in conflict prevention; strengthening cooperation between UNOWA, OHCHR, ECOWAS and Governments in developing a regional capacity-building programme in electoral affairs; and establishing early warning mechanisms. In a press statement on 8 July 2011, the Security Council welcomed the adoption of the Praia Declaration and encouraged all relevant actors to follow up on its recommendations.

46. Also during the biennium, the Electoral Assistance Division participated on behalf of the Secretariat, as a technical resource during deliberations of the Inter-Parliamentary Union (IPU) to help design an IPU framework to address electoral-related violence. The resulting resolution on providing a sound legislative framework aimed at preventing electoral violence, improving electoral monitoring and ensuring the smooth transition of power was adopted by consensus at the 124th

IPU assembly on 20 April 2011. The resolution calls, inter alia, for greater cooperation between the United Nations and IPU in the prevention of electoral violence, and in ensuring a smooth and peaceful transition of political power, as well as in the implementation throughout the electoral cycle of relevant recommendations made by electoral observation missions.

47. The United Nations took other measures during the biennium to help to prevent violent conflict related to elections. One example is the Sudan, where the Secretary-General established, at the request of the authorities, a Panel on the Southern Sudan Referenda, to monitor the process and offer good offices to help resolve political discord during the referendum. In addition to consulting closely with the leadership in the North and South, the Panel worked in coordination with the United Nations Mission in the Sudan (UNMIS) and the African Union mediation process, as well as concerned Member States. Substantial electoral technical assistance was also provided by UNMIS and UNDP under an integrated structure. The referendum was held peacefully and its results were accepted by both sides and by the international community. South Sudan became an independent country on 9 July 2011.

VI. Sustainability

48. Well-run elections are a crucial investment, but experience throughout the world has shown that it is not the case that the more complex or expensive a system, the more successful the elections will be. Some processes are more costly per voter than others, and vendors continue to promote some of the most expensive electoral processes and complicated technology to some of the poorest countries in the world. While the choice of electoral system and process is, of course, the sovereign right of Member States, the General Assembly in its resolution 64/155 obliges the Organization to bear in mind "sustainability and cost-effectiveness" in its work.

49. I remain concerned about electoral techniques and systems that are so complex or expensive that they have the potential to leave countries dependent on vendors or donors. Some technologies will have large cost implications not just at the moment they are implemented, but in the future, which should be thoroughly considered. In making choices about electoral technology, donors and recipients need to look carefully at national budget forecasts in order to aim squarely at the goal of nationally self-funded elections in future.

50. It is now accepted that electoral assistance should be made available whenever it is most needed and not just at the time of the election itself. For example, assistance is available for discussions on electoral reform which may be initiated years before an electoral event. The General Assembly recommended in its resolution 64/155, that the United Nations continue to provide technical advice and other assistance throughout the time span of the entire electoral cycle, including before and after elections, as appropriate. This "electoral-cycle approach" is also a useful planning tool for assistance providers and donors. But we should not confuse funding cycles with what a country wants or needs; nor should they be justifications for assistance that pays little attention to the end state.

VII. Observations

51. Demand from Member States for United Nations electoral assistance continues to be high. Given the increasing need for flexible and rapid response in electoral assistance, particularly in the light of current events, I encourage Member States to consider making further voluntary contributions for electoral assistance, including earmarked contributions for rapid response and for the inclusion of women, minorities and underrepresented groups, to the Trust Fund in Support of Political Affairs and the UNDP Democratic Governance Thematic Trust Fund, as well as to the United Nations Democracy Fund and the Fund for Gender Equality.

52. The continued demand for electoral assistance is an indication of the general appreciation of the work of the United Nations in supporting democratic development, including credible, periodic and genuine elections. This, I believe, is based largely on the commitment, as directed by the General Assembly, in its resolution 64/155, to carry out assistance in an objective, impartial, neutral and independent manner. United Nations assistance is also given with the understanding that there is no "one size fits all" model or solution, and that each country must be in charge of its own destiny, but the Organization is ready to make its expertise, best practices and lessons learned available.

53. The United Nations also upholds the importance of the implementation of international commitments, norms and principles with respect to elections, as well as the need for transparency, credibility, inclusiveness and universal suffrage. Various United Nations conventions protect the right of every citizen to take part in the conduct of public affairs and the right to vote and to be elected. Political inclusiveness, in particular women's political participation as well as that of minorities and other underrepresented groups, remains crucial for stable democracy, and is an important consideration in the assistance that the United Nations provides.

54. However, we must recognize that even the most inclusive, best-run elections cannot by themselves erase the risk of electoral violence. While elections are technical processes, they are fundamentally political events. To contain such risks, the United Nations must ensure that the support available to Member States includes not just technical advice but also mediation and good offices, if requested, preferably in collaboration with regional or subregional organizations. This approach would aim to address underlying grievances before elections, for example, by encouraging the design of political institutions to prevent the monopoly of power and political marginalization of the opposition and, after the election, to support dialogue and encourage statesmanship both in victory and in defeat. The true measure of an election is whether it engenders broad public confidence in the process and trust in the outcome. An election run honestly and transparently, respecting basic rights, with the effective and neutral support of State institutions and the responsible conduct of participants (leaders, candidates and voters) is most likely to achieve an accepted and peaceful outcome.

55. Sustainability and cost-effectiveness must increasingly be central considerations in the design and provision of electoral assistance, whether by the United Nations or other bodies. Building capacity that is permanent does not require permanent capacity-building. All assistance should have long-term sustainability and national ownership as its goals, and should aim at clearly defined end states. In addition, we must remember that more costly electoral machinery is not a panacea

for fraud. I continue to call upon Member States to consider carefully the cost of elections and of electoral assistance, in the light of other development needs. I encourage Member States and donors to consider the recommendation of the African Union Panel of the Wise that, for political and development reasons, States should establish as an important goal the funding of elections from national budgets, as soon as possible.

56. I will continue to prioritize efforts to improve the coherence, predictability and accountability in delivery of electoral assistance. Such efforts should be built upon the clear leadership role in all matters related to electoral assistance assigned by the General Assembly to the focal point.

57. At the same time, I will work to strengthen the ability of the Organization's various administrative processes to support its missions, UNDP and others in the United Nations Development Group in order to ensure that assistance programmes to Member States can be delivered with greater efficiency, predictability and accountability.

58. In support of this goal, United Nations electoral assistance should be provided in an integrated manner in all contexts, whether or not it is provided through a formally integrated field mission. I believe that this will greatly improve efficiency and promote coordination at the field level. I encourage Member States to take this into account when drafting Security Council electoral mandates and considering budgets and contributions to basket funds.

59. Coherence and efficiency can also be strengthened outside the Organization. While the multiplicity of electoral assistance providers and donors worldwide can ensure a broad range of useful advice for Member States seeking assistance, it can also create an unhelpful cacophony that has the potential to undermine preparations. I encourage Member States, when requesting assistance, to consider designating the United Nations (or another organization, if preferred) to help to ensure coherence among electoral assistance providers. I further urge that mandates for electoral assistance include a role for the United Nations in ensuring coherence among electoral assistance providers in any electoral assistance mandate given to a field mission.

60. Finally, we should be investing more time and resources in governance. Recently, one of my staff members was discussing an upcoming election with a young woman from a developing country. He said, "This country desperately needs a good election." The wise young woman replied, "No, what this country desperately needs is for those elected to govern well after their election." Investments in elections will not yield sustainable peace and development without good and effective governance at all levels, including independent and professional judiciaries, full respect for human rights, open and pluralistic media, a robust civil society and a credible and responsive Government.

Annex I

Selected examples of United Nations electoral assistance during the reporting period

Afghanistan

1. Afghanistan held presidential and provincial elections in August 2009, followed by parliamentary elections in September 2010, with technical and logistical support from the United Nations Assistance Mission in Afghanistan and the United Nations Office for Project Services (UNOPS). The Enhancing Legal and Electoral Capacity for Tomorrow programme, managed by the United Nations Development Programme (UNDP), continues to support the Independent Election Commission and other electoral stakeholders. The United Nations also helped in the creation of an Electoral Complaints Commission (ECC) and Media Commission. The United Nations Development Fund for Women (now UN-Women) supported dialogue between women members of parliament and the Independent Election Commission aimed at ensuring that women's concerns about the electoral process were heard and addressed adequately.

2. The 2009 and 2010 Presidential, Provincial Council and National Assembly elections were conducted by an all-Afghan Independent Election Commission (IEC) and complaints were investigated by ECC, which was composed of two United Nations-nominated commissioners and three Afghan commissioners. The 2009 and 2010 elections were conducted under more difficult and insecure conditions than the 2004-2005 polls. Extensive fraud was investigated by ECC, leading to the exclusion of approximately 1.5 million votes in 2009 and 1.3 million votes in 2010. Insecurity in some areas was also a complicating factor: many candidates had difficulties conducting their campaign in insurgency-prone areas; voter turnout was lower than in 2004-2005, and many candidates and voters felt disenfranchised owing to the insecurity. This led to the establishment of a controversial "special tribunal" attached to the Supreme Court to deal with electoral disenfranchisement and fraud issues. After considerable tensions, the Wolesi Jirga was inaugurated on 26 January 2011, with an agreement that the special tribunal would continue to investigate electoral crimes. The establishment of the special tribunal was considered illegal by legal experts and it was never recognized by IEC. The special tribunal's subsequent decision to remove 62 members from Parliament owing to "recount" results created a difficult impasse between the branches of Government. The tribunal was then dissolved by presidential decree in August. However, the highlight of the 2010 election was that IEC was able to take a proactive approach in detecting fraud while referring many suspected cases of electoral offences to ECC. In addition, IEC was able to take on more responsibility and therefore continue to build electoral capacity that will allow for better implementation of elections in the future.

Côte d'Ivoire

3. The United Nations provided technical, material, logistical and security support to the Independent Electoral Commission (IEC) for the first and second round of presidential elections. The first round took place on 31 October 2010; a run-off was then necessary between the two top candidates after the first round, Alassane Ouattara and Laurent Gbagbo. Following the second round, held on

28 November 2010, IEC announced the provisional results on 2 December and declared candidate Ouattara as the winner of the run-off election, while the Constitutional Council proclaimed a version of results on 3 December that gave victory to Mr. Gbagbo. As requested by the Ivorian parties within the framework of the 2005 Pretoria Accord and mandated by the Security Council, the Special Representative of the Secretary-General in Côte d'Ivoire certified the second round of presidential elections, confirming the outcome as announced by the Electoral Commission. The results announced by IEC and certified by the United Nations were subsequently endorsed by the Economic Community of West African States, the African Union and the Security Council. Unfortunately, a violent crisis ensued as a result of Mr. Gbagbo's refusal to cede power. President Ouattara was inaugurated on 21 May, with the Secretary-General in attendance along with some 20 Heads of State.

Haiti

4. Preparations for elections in February 2010 were already under way when Haiti was struck by a devastating earthquake on 12 January 2010. In the light of the significant human loss and the considerable material damage, elections were postponed. Following a technical feasibility mission dispatched by the United Nations focal point for electoral assistance at the request of President Préval, a new electoral timetable was then adopted, with the first round of the elections set for 28 November 2010. The presidential elections were combined with the parliamentary elections (renewal of the lower chamber and one third of the upper chamber). The electoral process was further hampered by a cholera epidemic and a tropical storm.

5. Successful elections were held, overcoming doubts that they were possible given the complex and volatile political and socio-economic context and threats of boycott from some political groups. The first and second rounds of the presidential and legislative elections were held on 28 November 2010 and 20 March 2011. In line with its Security Council mandate, the United Nations Stabilization Mission in Haiti (MINUSTAH) coordinated all international support to the electoral process, including assisting in the setting up of 1,500 registration centres for displaced voters, inspecting all 1,483 voting centres and identifying new locations to replace those that had been damaged or destroyed, distributing the updated voters' list and, in coordination with the Haitian National Police, developing and implementing an integrated electoral security plan. Resources deployed in support of the elections included more than 6,200 United Nations peacekeeping troops, 1,300 United Nations police, 200 civilian staff, 174 flight hours and 230 vehicles. A UNDP project focused on supporting the capacity of the provisional election commission as well as on complementary areas such as support to the tabulation centre, the voter list, electoral disputes and civic education.

Iraq

6. The United Nations Assistance Mission for Iraq (UNAMI) has continued to provide technical advice and support to the Independent High Electoral Commission (IHEC) of Iraq. Along with its partner organizations, including UNDP, UNOPS and the United Nations Educational, Scientific and Cultural Organization, UNAMI has provided technical and policy advice, and worked to build the capacity of IHEC and its staff. With the support of its United Nations and other international partners,

IHEC overcame numerous operational, security and legal challenges and successfully conducted the national election for the Council of Representatives in March 2010. There was considerably broader participation at the local level than in the first parliamentary election in 2005. Voting was also conducted for eligible Iraqi voters in 16 other countries. Civil society participation was strong. Following a court order, IHEC recounted a significant amount of the cast ballots, a process that confirmed the accuracy of the earlier results. In total, IHEC has now prepared and conducted three major electoral events since the appointment of its Commissioners in 2007, including the governorate council elections (January 2009), presidential and parliamentary elections in the Kurdistan region (July 2009) and the national parliamentary elections.

Kyrgyzstan

7. Following the request of the Kyrgyz Interim Government in the aftermath of the April 2010 events, the United Nations responded by establishing the Kyrgyz Election Support Project executed by UNDP, focusing on technical operational preparations, the streamlining of the complaints process and women's participation. In addition, the United Nations deployed two international advisory members to the Kyrgyz Central Electoral Commission, with expertise in legal and procedural issues. Despite the fragile political situation and tight timelines, the June constitutional referendum and the 10 October parliamentary elections took place successfully and on time.

Liberia

8. Liberia will hold a referendum and presidential and legislative elections during the second half of 2011. For the second generation of elections since the end of the Liberian conflict, the United Nations will ensure that the primary responsibility for organizing the elections remain with the national authorities while providing them with needed support. The National Elections Commission receives technical assistance through the UNDP capacity-building programme for the 2010-2012 electoral cycle. Additionally, the National Elections Commission, UNDP and the United Nations Mission in Liberia (UNMIL) have identified less accessible areas where additional logistics support from UNMIL will be provided. In line with the mandate from the Security Council, UNMIL also supports the authorities in securing the elections while intensifying its work with the Liberian authorities on legal, political, judicial, security and human rights issues to mitigate tensions and create an atmosphere conducive to peaceful elections.

Papua New Guinea (Bougainville)

9. Upon the request of the Government of Papua New Guinea, the United Nations deployed an Electoral Expert Monitoring Team for Bougainville's second presidential and parliamentary elections in May 2010. That election — the winner of which would lead the region to the preparation process for the referendum on the status of Bougainville (envisaged between 2015-2020) — was a milestone in the consolidation of peace and democracy in the country. The election was, therefore, seen as critical, and there were also serious concerns about the possibility of the recurrence of violence. The Monitoring Team was able to visit polling stations all over the region including in some areas in the south where many people were voting for the first time. The United Nations presence was welcomed by all concerned

stakeholders and was widely seen as an important factor in building confidence in the electoral process and consequently contributing to the ultimately peaceful electoral environment.

Sudan

10. The United Nations provided technical advice and assistance to the Southern Sudan Referendum Commission (SSRC), via the United Nations Integrated Referendum and Electoral Division, composed of the electoral division of the United Nations Mission in the Sudan (UNMIS) and UNDP. SSRC registered 3.9 million voters for the Southern Sudan Referendum between 15 November and 8 December 2010, for a referendum in January 2011 to determine if the people of Southern Sudan wished to secede from or remain a part of the Sudan. Between 9 and 15 January 2011, 3.9 million registered voters had the opportunity to cast their ballot. Over 250 United Nations staff worked to support SSRC down to the state and county levels. The United Nations, in cooperation with international partners, also provided financial and logistical support to the referendum process, including out-of-country voting in eight locations. United Nations air assets also transported materials by air to remote and isolated referendum centres. The results were accepted by all parties, with an overwhelming vote for secession.

11. In addition to the direct support provided by the United Nations Integrated Referendum and Electoral Division, in a letter to the Secretary-General dated 17 July 2010, the parties to the Comprehensive Peace Agreement requested the United Nations to deploy a monitoring mission for the referendum. The Secretary-General appointed a panel to monitor and assess the referendums process. While standard practice is that the United Nations does not usually monitor electoral processes in which it also provides technical assistance, the role of the United Nations with respect to monitoring the referendums was deemed to be critical in enhancing confidence in the process and acceptance of results. Panel staff monitored the referendum in 46 counties in all states in Southern Sudan, focusing on remote areas; in 13 out of 15 states in northern Sudan; and in all eight countries where out-of-country voting took place. The panel reported to the Secretary-General that the outcome of the referendum reflected the free will of the people of Southern Sudan.

Tunisia

12. In response to the interim Government's request for electoral assistance, the United Nations deployed a high-level electoral needs assessment mission to Tunisia on 1 March 2011. The recommendations contained in the report of the Mission were approved by the focal point. Based on those recommendations, the United Nations has implemented a project assisting the Tunisian authorities in their organization of the Constituent Assembly elections envisaged for October 2011. The project has been defined to focus on areas where the United Nations has a clear comparative advantage and to ensure synergies and avoid duplication with other programmes being put in place by other actors. It includes measures to support the electoral management body and to help to promote inclusive participation in the electoral process on the part of women and civil society groups in particular.

Annex II

Countries and territories receiving United Nations electoral assistance during the reporting period

Afghanistan[a]

Argentina

Bangladesh

Benin

Bolivia (Plurinational State of)

Burundi[a]

Burkina Faso

Cambodia

Cameroon

Central African Republic

Chad

Comoros

Congo

Côte d'Ivoire[a]

Democratic Republic of the Congo[a]

El Salvador

Ethiopia

Gambia

Guatemala

Guinea

Guinea-Bissau[a]

Guyana

Haiti[a]

Indonesia

Iraq[a]

Kenya

Kyrgyzstan

Lebanon

Lesotho

[a] Assistance being provided under a Security Council mandate.

Liberia[a]

Malawi

Maldives

Mexico

Mozambique

Nepal

Netherlands Antilles (Bonaire)

Niger

Nigeria

Occupied Palestinian Territory

Panama

Papua New Guinea

Peru

Republic of Moldova

Romania

Rwanda

Sierra Leone[a]

Solomon Islands

Sudan[a]

Suriname

Timor-Leste[a]

Togo

Tunisia

Turkmenistan

United Republic of Tanzania

Yemen

Zambia

Zimbabwe

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Joint Inspection Unit

Review of management and administration in the United Nations Office on Drugs and Crime

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Joint Inspection Unit entitled "Review of management and administration in the United Nations Office on Drugs and Crime" (JIU/REP/2010/10).

* A/66/150.

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JIU/REP/2010/10

REVIEW OF MANAGEMENT AND ADMINISTRATION IN THE UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)

Prepared by

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Joint Inspection Unit

Geneva 2010

EXECUTIVE SUMMARY

Review of management and administration in the United Nations Office on Drugs and Crime

JIU/REP/2010/10

Objectives

This "Review of management and administration in the United Nations Office on Drugs and Crime (UNODC)" is part of a series of reviews of participating organizations undertaken by the Joint Inspection Unit in recent years. The objective is to identify areas for improvement in governance, executive management, administration, strategic planning and budgeting, human resources management and oversight.

Main findings and conclusions

The Office is mandated to assist Member States in their fight against drugs, crime and terrorism which fall in the priority spheres of the United Nations. The importance of the Office's mandates is increasingly recognized in the international community and most stakeholders considered that the Office delivers.

The Office was set up in 1997 by merging various United Nations entities. However, the original governing bodies, the Commission on Narcotic Drugs (CND) and the Commission on Crime Prevention and Criminal Justice (CCPCJ), were kept unchanged, so were the respective trust funds. As a result, both governance and financial frameworks are characterized by fragmentation, which impacts on the effectiveness and efficiency of the Office. Conscious of the difficulties, member States in 2008 initiated a governance review exercise by creating an open-ended intergovernmental working group aiming at improving the governance and financial situation of the Office. The Inspectors present in the report three options for enhancing governance arrangements and one concrete recommendation to have an integrated and more adhesive mechanism to govern and guide the activities of the Office.

The Office has to deal with complex financial management through two separate trust funds. The Inspectors encourage increased efficiency and streamlining of the financial management and believe that opportunities to merge the two trust funds should be explored.

The substantive and technical cooperation activities have expanded to new and diversified areas as a result of both the Office joining the peace, security and development agenda of the United Nations system, notably via partnerships with other international organizations and its efforts to attract increased financial support. This trend for expansion has somehow diluted the strategic vision and the prioritization functions within the Office. The Inspectors recommend to the Office that it conduct a thorough mandate review and a prioritization exercise on these mandates and related activities.

The Office faces a difficult situation: the increasing number of mandates and the expansion of related activities are not matched with financial and human resources. While the tightly earmarked voluntary contributions are increasing, the Office is lacking regular funding to secure its core functions. The Inspectors make several recommendations including one requesting the General Assembly to ensure that core functions of the Office be funded via regular budget resources to ensure that UNODC can carry out its mandates in a consistent and sustainable manner.

The rapid expansion of its field presence and technical assistance activities in the last decade heavily impacts on UNODC management today in many aspects: coordination and support from the headquarters to the field, adequacy of administrative rules and procedures, etc.

The report also highlights areas such as executive management (vision, management practices and communication) and human resources management (transparency, fairness, consistency of policies, training).

The Inspectors also studied the case of the independent quasi-judicial International Narcotics Control Board (INCB) and its secretariat and recommended that the administrative structure and reporting lines concerning INCB be changed.

Recommendations

The Inspectors made 14 recommendations; 12 are directed to the Executive Director, one is addressed to the Commission on Narcotic Drugs (CND) and the Commission on Crime Prevention and Criminal Justice (CCPCJ), and one is addressed to the General Assembly.

Recommendation 1

The Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice should hold joint reconvened sessions that would serve as an integrated governing body, tasked to oversee budgetary and programmatic activities of the Office.

Recommendation 3

The General Assembly should ensure that core functions of the Office are funded by regular budget resources, starting at the 2012-2013 biennium, to enable UNODC to carry out its mandates in a consistent and sustainable manner.

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ABBREVIATIONS

ACABQ	Advisory Committee on Administrative and Budgetary Questions
CCPCJ	Commission on Crime Prevention and Criminal Justice
CEB	United Nations Chief Executives Board for Coordination
CICP	Centre for International Crime Prevention
CND	Commission on Narcotic Drugs
CPC	Committee for Programme Coordination
CPS	Co-financing and Partnership Section
DPA	Division for Policy Analysis and Public Affairs
DPKO	Department of Peacekeeping Operations
GPF	General Purpose Funds
ECOSOC	Economic and Social Council
FRMS	Financial Resources Management Services
FRS	Field Representatives Seminar
HRAP	Human Resources Action Planning Cycle
IEU	Independent Evaluation Unit
INCB	International Narcotics Control Board
ITS	Information Technology Section
JIU	Joint Inspection Unit
MDTF	Multi-Donors Trust Funds
MOU	Memorandum of Understanding
MRC	Management Review Committee
ODCCP	United Nations Office for Drug Control and Crime Prevention
OIOS	Office of Internal Oversight Services
PSC	Programme support costs
RBM	Results-based management
SPF	Special Purpose Funds
SPU	Strategic Planning Unit
UNCAC	United Nations Convention against Corruption
UNCTOC	United Nations Convention against Transnational Organized Crime
UNDCP	United Nations International Drug Control Programme
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
UNOV	United Nations Office at Vienna

I. INTRODUCTION

A. Scope, objectives and methodology

As part of its programme of work for 2010, the Joint Inspection Unit (JIU) conducted a review of management and administration in the United Nations Office on Drugs and Crime (UNODC), which is a component of the United Nations Secretariat. This report is part of a series of reviews of management and administration of participating organizations undertaken in recent years.

The objectives are to identify areas for improvement such as in governance, executive management, administration, strategic planning and budgeting, human resources management, oversight, etc., as well as to pinpoint best practices and share them with other United Nations system organizations. The 2008-2009 financial crisis noticeably and negatively impacted on the Office as its business model relies mainly on extrabudgetary contributions. It led to a severe cost-saving exercise in 2009 and an internal restructuring in 2010. At this critical moment, Member States embarked on an ambitious remedial exercise by setting up a working group on governance and finance.

In accordance with the JIU internal standards and guidelines and its internal working procedures, the methodology followed in preparing this report included an in-depth analysis of internal documentation as well as interviews with UNODC officials and staff representatives. Moreover, the Inspectors met with ambassadors/heads of delegations, including the Chairmen and members of the Commission on Narcotic Drugs (CND), the Commission on Crime Prevention and Criminal Justice (CCPCJ) and the Working Group on Governance and Finance as well as the regional groups, major donors and recipient countries. The Inspectors also attended the 2010 Field Representatives Seminar to dialogue with UNODC field representatives. The JIU review was welcomed as timely by both Member States and UNODC staff/managers.

The Inspectors solicited the opinions of UNODC employees from headquarters and field locations via an online staff survey. The responses provided useful insights into various aspects tackled in this report. In addition to presenting aggregated figures, the Inspectors made an extensive analysis of more than 1,500 separate remarks, comments and suggestions made via the open questions of the survey.

In accordance with the JIU statute, this report has been finalized after consultation among the Inspectors so as to test its conclusions and recommendations against the collective wisdom of the Unit. UNODC provided factual and substantive comments on the draft report that were taken into account in finalizing the report.

To facilitate the handling of the report and the implementation of its recommendations and the monitoring thereof, Annex IV contains a table specifying those recommendations that require a decision by the UNODC governing bodies and those that can be acted upon by the Executive Director.

The Inspectors wish to express their appreciation to all who assisted them in the preparation of this report, particularly to those who participated in the interviews and so willingly shared their knowledge and expertise. In order to avoid duplication, the review was conducted in coordination with the Office of Internal Oversight Services (OIOS) that carried out a governance audit of UNODC in 2010.

B. An Office with diversified and demanding mandates

The Office was created in 1997 by merging the United Nations International Drug Control Programme (UNDCP) and the Centre for International Crime Prevention (CICP). From the management point of view, the interrelated and transnational nature of drugs, crime and terrorism led, through successive administrative reforms, to the creation of a single entity tackling all these matters.[1] It was first called the United Nations Office for Drug Control and Crime Prevention (ODCCP) and renamed UNODC in 2002. UNODC is mandated to assist Member States in their struggle against illicit drugs, crime

[1] See A/51/950, paragraphs 143-145, ST/SGB/Organization, Section: UNDCP (1993), ST/SGB/1998/17 and ST/SBG/2004/6.

and terrorism in all its forms and manifestations. UNODC mandates are of primary importance and fall in the priority spheres of the United Nations as determined by the General Assembly in its resolution 63/247.

The Office combines normative services for effective implementation of international legal instruments; research and analysis capacities as well as technical assistance and capacity building activities in the field. This is reflected by the denomination of the three UNODC divisions (Treaty Affairs, Policy Analysis and Public Affairs and Operations), complemented by the Division for Management, which is in common at the United Nations Office at Vienna (UNOV).

Since its inception, the mandates entrusted to the Office have proliferated, in particular in the last decade in the field of crime prevention. However, these tasks have not been accompanied by a parallel increase of adequate regular budget resources. In turn, the structure and the internal procedures have not been adapted to the rising new challenges. This situation entails a major risk of it not being able to fully meet the mandates requirements.

The Office has expanded its field presence for carrying out a wide range of technical assistance activities. The political advisor and guardian of international conventions headquarters-based entity now coexists with a field network similar to a specialized agency delivering expert technical assistance/cooperation services. Whether the structure and the procedures were sufficiently adapted to match the requirements of this evolution is a key aspect in assessing UNODC. For example, the rules and procedures for managing human resources or dealing with procurement do not seem to be adequate in all situations to ensure effectiveness and are seen by many, especially those working in the field, as not conducive to organizational effectiveness.

The former Executive Director (2002-2010) focused his attention on integrating the activities of the Office into the peace, security and development agenda of the United Nations through an interrelated and interdisciplinary approach as well as on developing partnership with other international organizations. During the course of the preparation of this report, the United Nations Secretary-General appointed a new Executive Director who took office in September 2010.

Recent years have seen increased recognition of UNODC and its achievements, as reflected in the increase of extra-budgetary contributions, even though most are earmarked. The fact that the Office delivers despite difficult circumstances was generally highlighted by most of the interviewees. Nevertheless, this report flags the fragmentation which is persistent in many areas: fragmentation of governance framework affecting policy guidance and oversight, fragmentation of sources of funding affecting sustainability and predictability of resources and fragmentation of management affecting efficiency and effectiveness.

In preparing this review, the Inspectors came across a number of reports prepared by the Office of Internal Oversight Services (OIOS) in recent years containing critical assessments of UNODC as well as some of its field offices. The Inspectors have noticed that the efforts deployed by UNODC resulted in some improvements in terms of management compared to the critical situation of the Office at the early 2000s.

II. GOVERNANCE

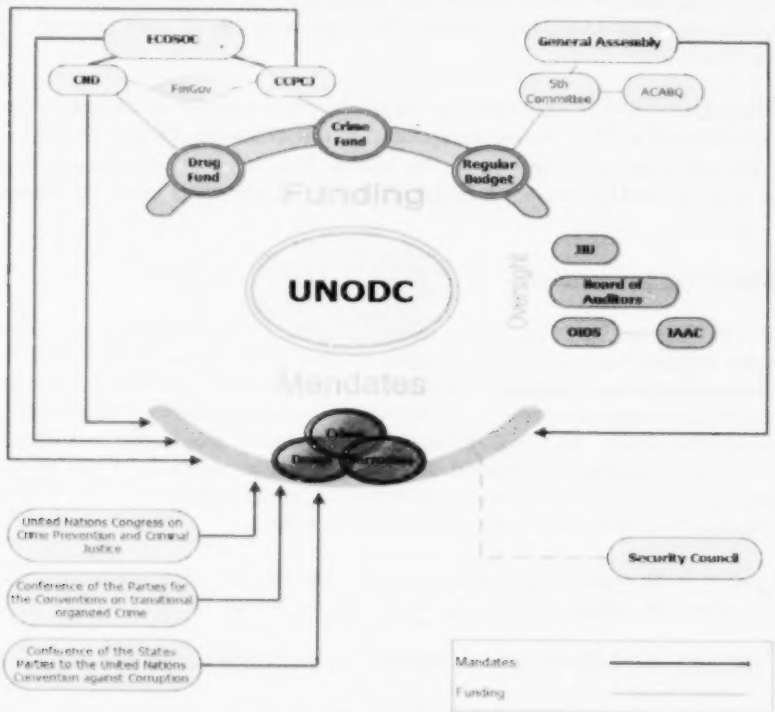
A. Complexity of governance arrangements

The Office is characterized by completely separate main governing bodies, namely the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice. The fragmentation and complexity of the governance framework of the Office are pictured in figure 1 below. In 2007, the OIOS Risk Assessment of UNODC concluded that the areas of strategic management and governance were at higher risk.[2] The Inspectors concur with the opinion that the governance arrangements present a challenge that is affecting the efficient functioning of the Office in fulfilling its mandates.

[2] See OIOS Report AE2007/361/0

Policy guidance and mandates originate from resolutions or decisions of multiple United Nations bodies. Besides the General Assembly and the Economic and Social Council and its two functional commissions, international conventions related to the Office's areas of work such as the three international drug control conventions, the United Nations Convention against Transnational Organized Crime (UNCTOC) and the Protocols, the United Nations Convention against Corruption (UNCAC) and the universal legal instruments against terrorism in all its forms and manifestations are all legally binding bodies. Other United Nations activities such as the Congress on Crime Prevention, the Millennium Declaration and the Counter-Terrorism Strategy add to the complexity of the mandates. Figure 1 also highlights the disconnection between mandates and funding.

Figure 1: UNODC governance framework



The reasons for governance fragmentation are historical: in the 1990s the entities responsible for the implementation of two different programmes on drugs and crime were merged into one Office while at the same time the two governing bodies (CND and CCPCJ) and their twin trust funds were kept as original and unchanged. The integrated substantive approach of drugs and crime issues was thus not reflected in the governance structure with policy and normative functions taking predominance in each commission within their respective substantive areas.

CND and CCPCJ have different memberships, agendas and priorities of concern. They currently operate in parallel, individually and separately. Repetitive actions have to be taken in various fora. For example, similar UNODC presentations and documents have to be presented to both commissions. The interval (one year) between the main sessions of CND and CCPCJ affect the effectiveness of governing bodies, as timely reactions and follow-up appears more difficult. Furthermore, the current length of the sessions provides little time to address management and administrative aspects during the operational segments. In the recent past, the commissions themselves have expressed some reservation on the effectiveness of UNODC governance arrangements, in particular in terms of monitoring of the Office activities.

The Inspectors perceived some disappointment and frustration among UNODC managers about the absence of timely and effective guidance to the Office from the commissions and their Member States. In turn, Member States shared their concerns with the Inspectors regarding the absence of consultation and transparency at various levels of UNODC, with criticism by major donor countries as well as recipient countries in areas such as project design and implementation (self-initiatives), allocation of resources, structure and staffing composition, data and figures utilized in reports or publications.

In 2008, Member States embarked in an ambitious governance review exercise by creating an open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime[3] (hereafter the "WG FinGov"). The Inspectors welcome this initiative that provides an avenue to create a dialogue not only within the Member State community, donors and recipient countries, but also with UNODC senior management. As a consequence, Member States and UNODC gained a better understanding of each other's constraints, preoccupations and expectations. The Inspectors consider that such a forum, if used properly, should serve as a confidence-builder for the future.

CND and CCPCJ institutionalized the WG FinGov for a period of two years, with the understanding that its dynamics and concrete results should be evaluated in 2011.[4] In that perspective, a clear evaluation framework will need to be discussed and agreed upon since the resolution is not precise on that matter. The WG FinGov is tasked to submit to the two commissions recommendations on administrative, programmatic and financial matters within the areas of their respective mandates.

B. Options for improving governance

During their discussions with Member States and senior managers of the Office, the Inspectors were impressed by the common interest for a more integrated and coherent governance mechanism that would ensure more effective scrutiny of the Office's activities. Some interviewees suggested budgetary and programmatic mechanisms similar to the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Committee for Programme Coordination (CPC) while some others proposed the setting up of an executive board/executive programme and budget committee. The objective is to create an effective mechanism ensuring that UNODC senior management and Member States reach a sufficient level of dialogue and understanding in order to prioritize and monitor the work of the Office and its activities, and make the link with necessary and adequate resources to achieve its goals.

The Inspectors were urged to make concrete recommendations to improve the future governance arrangements of the Office. In the Inspectors' opinion, the options at stake can be summarized as follows:

Option 1: Institutional reform: merging of two ECOSOC commissions

The concept of merging the two commissions could be traced back to the time when the Office was established by combining the separate drug and crime programmes. This option represents a major change of the basic structure of the Economic and Social Council, in particular concerning CND which had been in existence since the very beginning of the United Nations. The primary benefit would be to align the governing scheme to the administrative structure and provide the conditions to act in an integrated manner for policy guidance, financial responsibility and programmatic decisions among Member States. At the same time, it would reduce duplication and difficulties caused by the present dual governance framework.

Though believed by many to be the root option to solve problems, the Inspectors are conscious that the institutional reform depends on the political willingness of Member States and that it is a time-consuming exercise. The abolition of the Commission on Human Rights, another functional commission of the Economic and Social Council, and its replacement by the Human Rights Council offered an illustrative example. It took years to discuss and negotiate issues like mandates, membership and other related arrangements.

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[3] Commission on Narcotic Drugs decision 51/1 and Commission on Crime Prevention and Criminal Justice decision 17/2.

[4] See CND resolution 52/13, CCPCJ resolution 18/3 and Economic and Social Council decision 2009/251.

In the opinion of the Inspectors, the option of having one commission dealing with both drugs and crime issues should be fully explored in the long run, but it could not solve at once the current difficulties in governance.

Option 2: Institutional addition: creating an executive body

To set up an additional body such as an executive board or a programme and budget committee and task it to oversee specifically the strategic management, the budget and the activities of the Office. This option provides a more permanent governance and oversight mechanism. Other United Nations entities do have similar mechanisms such as the Executive Board for UNDP, the WFP Executive Board or the Executive Committee for UNHCR.

However, UNODC is the only United Nations entity to have two parallel governing bodies, which have brought with them a delicate situation in governance. In the view of the Inspectors, if such a board or committee were to be set up its relationship with the two Commissions, its reporting lines should be clearly stipulated. The Inspectors would like to warn that a major drawback of this option is that it might add another layer to the current already quite complex governance. It should not be underestimated in terms of investment for such a mechanism, especially when the Office is experiencing financial constraints.

Option 3: Institutional improvement: combining the reconvened sessions

CND and CCPCJ reconvened sessions provide an opportunity for Member States to discuss organizational and financial matters related to UNODC. These sessions are currently held back to back, separately and independently, in practice during the same week in the later half of the year. Agenda and documentation are similar.

This option stands for a combined meeting of the reconvened sessions of both commissions with their roles and functions adjusted or converted so as to serve as a strengthened budgetary and programmatic mechanism. This option would not only offer opportunities for cost savings and streamlining the organizational and servicing aspects but also would provide to a certain extent, a framework for a more integrated approach of substantive issues.

In the Inspectors' views, option 3 appears to be the more actionable scenario at this point in time. They trust that it could provide a framework for a more integrated, more effective and coherent governance structure, if provided with sufficient level of commitment from Member States. **The Inspectors suggest combining the current reconvened sessions for an initial period of three years, so as to test the effectiveness of the new arrangements and its impact on the Office's governance. Member States would then be in a position to decide whether or not this arrangement is satisfactory.**

The implementation of the following recommendation is expected to improve the effectiveness of the governance arrangements of the Office.

Recommendation 1

The Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice should hold joint reconvened sessions that would serve as an integrated governing body providing policy guidance to the Office, tasked to oversee budgetary and programmatic activities.

C. Consolidated mandate review and prioritization exercise

As noted by the Secretary-General when conducting a mandate review exercise in 2006,[5] the activities of the United Nations in the fields of drug control, transnational crime prevention and combating terrorism have expanded considerably with direct consequences on the Office which is a key player in these areas. At that time, the Secretary-General had

[5] A/60/733, report of the Secretary-General on "Mandating and delivering: analysis and recommendations to facilitate the review of mandates".

identified 364 mandates of various nature (reporting obligations, preparation of studies, conferences organization, normative or technical assistance) for which UNODC was the implementing entity. In addition, the Office is also acting as secretariat for several international conventions such as the United Nations Convention against Corruption (UNCAC) and its Convention against Transnational Organized Crime (UNCTOC) that entered into force in the last decade.

One of the findings that the Inspectors wish to stress is the number of positive responses collected among staff concerning the diversity of UNODC mandates. It is remarkable that 66 per cent of the respondents are of the opinion that the diversity of UNODC mandates has positively impacted their work and activities. However, the respondents also consider that the integration of these mandates is far from being achieved, with only 25.2 per cent and 20.3 per cent of positive expressions regarding integration of programme/project design and activities, respectively.

Tables 1 and 2: Views of various categories of UNODC employees on mandate diversity (in percentage)

Has the diversity of UNODC mandates (drugs, crime, etc.) impacted your work and activities?				
	Yes, positively	**Yes, negatively**	**No**	**Don't know**
All employees	66.6	6.9	16.7	9.8
International Professional staff only	63.7	14.0	15.1	7.3
P-5 and above	66.7	18.8	12.50	2.1
Headquarters staff	56.8	11.1	20.1	12.0
Field staff	72.9	4.2	15.2	7.7

In your view, is there sufficient integration between drugs and crime issues in UNODC programme and project design?				
	Yes	**Somewhat**	**No**	**Don't know**
All employees	25.2	40.7	17.7	16.4
International Professional staff only	15.6	44.1	32.4	7.8
P-5 and above	31.3	31.3	29.2	8.3
Headquarters staff	18.8	40.2	20.1	20.9
Field staff	29.5	40.8	16.7	13.1
In your view, are UNODC activities with regard to drugs, crime and terrorism mandates sufficiently integrated?				
	Yes	**Somewhat**	**No**	**Don't know**
All employees	20.3	38.5	23.5	17.7
International Professional staff only	11.2	39.1	40.8	8.9
P-5 and above	25.0	31.3	35.4	8.3
Headquarters staff	16.7	36.8	24.4	22.2
Field staff	22.6	39.0	23.8	14.6

Source: JIU survey 2010

The type and sources of funding as described in Chapter III give limited predictable income for UNODC programme support and administrative functions and no secured funds for the implementation of operational and technical activities as approved by the commissions. There is thus a risk concerning mandate implementation.

The Inspectors reviewed the notes prepared in 2008 by UNODC for CND at its fifty-first session and CCPCJ at its seventeenth session, respectively, which contain information on the "implementation status and resources requirements of resolutions and decisions adopted by the General Assembly, the Economic and Social Council and the commissions

themselves in which the Office action was requested for the period 2003-2007".[6] While UNODC presents a high rate of compliance of its reporting obligations, the implementation status of operational or technical assistance mandates faces some real difficulties. In the crime prevention and criminal justice area, partly implemented mandates represented 33 per cent of operational and technical assistance mandates, in most of the cases allegedly due to lack of resources. Twenty-one per cent of actions requested of the Office were recorded as ongoing assignments. In the drug area, operational and technical mandates were fulfilled at 22 per cent while partly implemented represented 37 per cent for the same budgetary reason. Ongoing implementation concerned 37 per cent of the cases. In both drug and crime matters, mandates not implemented were estimated at fewer than 10 per cent. Given the fragmentation of the governance, it is a challenge to have a consolidated vision of mandates and missions entrusted to the Office. The Inspectors believe that it is time to have a thorough review of these mandates and missions in order to provide a consolidated picture to the Member States of all governance bodies. That would provide better information to Member States to enable more effective and informed guidance. The 2008 notes are a valuable basis that should be completed, updated and expanded to cover all policy guidance bodies.

On that basis, the Member States would be in a position to reassess ongoing mandates, as well as their relevance and resources availability. Member States could determine their prioritization scheme and further develop an integrated approach to tackle drugs, crime and terrorism substantive issues. In turn, the Executive Director would be in a position to align the Office to work on the basis of a reconfirmed framework and allocate resources accordingly taking into consideration existing limitations. The Inspectors believe that such exercise would contribute to enhance the coherence of the Office' work. Ideally, it should be complemented by a functional review of all UNODC units to have them fully aligned to the priorities as defined.

As for other United Nations entities, the Inspectors consider that Member States should be informed about the financial implications of resolutions adopted by the commissions as well as on UNODC capacities to meet their operational requirements prior to the resolutions' adoption. In the financial context in which UNODC operates, it is of primary importance that new missions and assignments entrusted to the Office be systematically accompanied by clear programme budget implications statements discussed by the commissions.

The implementation of the following recommendation is expected to enhance the effectiveness of the Office in delivering and fulfilling its mandates.

Recommendation 2

The Executive Director should establish a consolidated review of all mandates entrusted to the Office, including resources required and allocated, as well as status of implementation. On that basis, the Executive Director should submit, at the earliest opportunity, a prioritization document to the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice.

III. FINANCIAL FRAMEWORK

The Office has a fragmented structure of funding mechanisms with resources composed of multiple sections of the United Nations regular programme budget (Sections 16 and 22 as well as Sections 1 and 28F for the United Nations Office at Vienna) and of the two trust funds, namely the Fund of the United Nations International Drug Control Programme and the United Nations Crime Prevention and Criminal Justice Fund overseen by respective commission. Each fund is divided into un-earmarked contributions, earmarked contributions and Programme support costs resources. The fragmentation is entailed in the financial rules which state that biennial budget should distinguish between the International Drug Control Programme Fund and the Crime Prevention and Criminal Justice Programme Fund and that the accounting of the funds should also be distinguished.

[6] See E/CN.7/2008/13 and E/CN.15/2008/18.

Box 1. Definitions

Definitions from Article II of the Financial Rules of the United Nations Office on Drugs and Crime (2008)

General Purpose Funds (GPF) shall mean "un-earmarked voluntary contributions to the UNODC Funds that are provided to finance executive direction and management, programme and programme support component of biennial budget";

Special Purpose Funds (SPF) shall mean "earmarked voluntary contributions to the UNODC that are provided to finance technical cooperation and other activities";

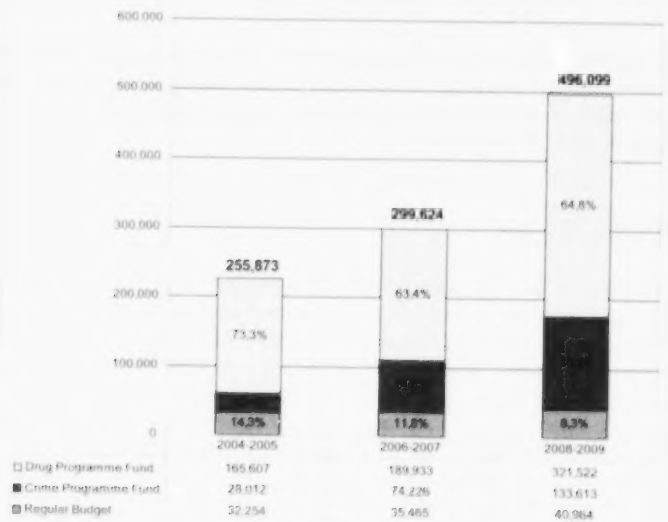
Programme support costs (PSC) shall mean "the indirect costs recovered in support of activities financed from voluntary contributions".

The delicate financial situation of the Office has been at the centre of interest for years and has been widely commented. Figures 2 and 3 below highlight the evolution of UNODC resources and picture the fragmentation of UNODC budgetary framework as well as the distribution of resources among its trust funds (while the drug control programme fund still represents more than two third of the overall budget, the weight of the crime prevention and criminal justice fund has significantly increased).

Member States and UNODC officials agreed during interviews that one of the major factors most affecting the efficiency and effectiveness of UNODC is its financial situation. This opinion was confirmed by the survey. In the recent past, the lack of resources has triggered reductions in, for example, travel, consultancies, training, operating expenses and contractual services.

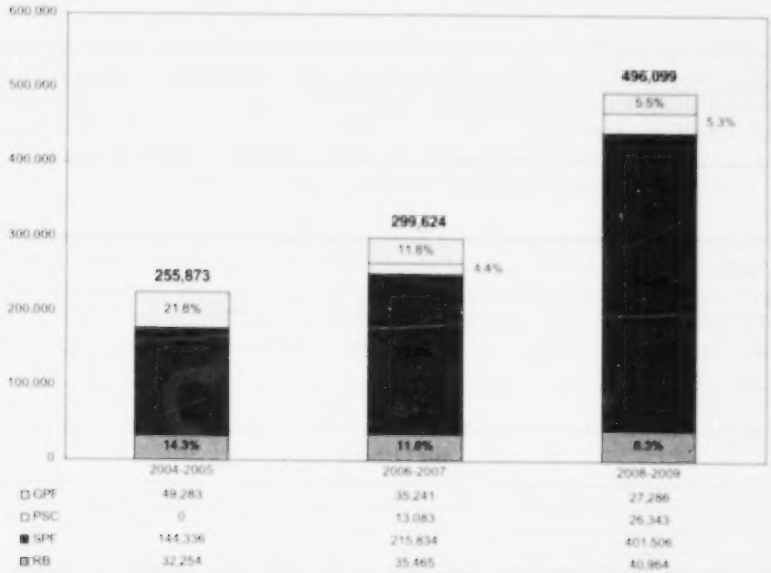
Since 2004-2006, there has been, however, a sharp increase of UNODC overall funding (reaching 466,099 million USD in 2008-2009) with a percentage growth of almost 120 per cent. However, this favourable evolution hides problematic aspects that might affect the Office's functioning and implementing capacity: this augmentation mainly corresponds to more earmarked contributions related with spectacular augmentation of UNODC projects and activities of all kinds, together with a decline of non-earmarked contributions.

Figure 2: Evolution of UNODC budget (based on expenditures), 2004-2005 to 2008-2009, in millions of USD



Note: Data consolidated using Board of Auditors reports (A/63/5/Add.9 and A/65/5/Add.9).

Figure 3: Distribution UNODC budget (based on expenditures) by source of funding, 2004-2005 to 2008-2009, in millions of USD



Note: Data consolidated using Board of Auditors reports (A/63/5/Add.9 and A/65/5/Add.9). Until 2006-2007, programme support costs were classified as general purpose.

A. Financing corporate functions remains a challenge

At UNODC, core functions should be financed primarily from regular budget resources and General Purpose Funds (GPFs). With the increase of its mandates and the development of its field network, the roles and functions of UNODC have expanded considerably. However, the expansion was not accompanied with matching human and financial core resources. Despite the fact that assessed United Nations contributions (regular budget, or RB) have increased since 2004-2005 in nominal terms (by 27 per cent), the Inspectors noted that the RB share of the overall UNODC budget has in fact decreased from 14.3 per cent in 2004-2005 to 8.3 per cent in 2008-2009.

At the same time, aggregated resources from RB and GPFs represented 36.1 per cent of the financial capacity in 2004-2005 but dropped to only 19.1 per cent four years later (including PSC). GPF resources in each of the funds are critical to finance corporate management functions and support services but are sharply declining. The ratio of GPF versus SPF has been deteriorating for several years now and there is no sign to be seen for improvement which is worrisome for the sustainability of the Office.

The Inspectors noted that some key corporate functions of the Office are not funded by assessed contributions (such as the Director of the Division for Operations, the Chief of the Financial Resources Management Service, the Chief of Information Technology Services, the Chief of the Strategic Planning Unit, the UNODC spokesperson, some of the evaluation officers, substantive officers in several branches, etc.).

As a matter of fact, the General Assembly Fifth Committee also "expressed concern regarding the overall financial situation of UNODC, and requests the Secretary-General to submit proposals in his proposed programme budget for the biennium 2012-2013 to ensure that the Office has sufficient resources to carry out its mandate".[7]

The Inspectors concur with the consensus view by Member States of Vienna-based permanent missions and UNODC senior management that an increase of core resources is needed in order to secure basic corporate functions. This could be achieved either by receiving a larger allocation from the United Nations regular budget or by a stronger commitment to increased and sustained contributions to GPFs, or by a combination of both means. Previous statements encouraging Member States to commit a share of their contributions to general-purpose funding to ensure a sustainable balance between GPFs and SPFs contributions have not produced a sufficient effect.

Therefore, the Inspectors consider that the request for an increase of regular budget resources as introduced by the Office for the 2012-2013 biennium, notably on the basis of General Assembly resolution 64/243 (para. 83), merits further attention to secure more sustained and predictable resources to ensure stability of UNODC structure. However, a precondition is that key corporate functions are clearly identified by UNODC in the context of an agreed and well supported strategic long-term vision based on the mandate review as recommended above in Chapter II (recommendation 2).

The implementation of the following recommendation is expected to enhance the efficiency and the effectiveness of the Office.

Recommendation 3

The General Assembly should ensure that core functions of the Office are funded by regular budget resources, starting at the 2012-2013 biennium, to enable UNODC to carry out its mandates in a consistent and sustainable manner.

B. Simplification of financial management

The funding structure involves a cumbersome process for the preparation and presentation of the biennial budget, as the approval of the budget by governing bodies has not been consolidated. The comment made by the Executive Director in 2008 on this issue is self explanatory: "UNODC still prepares and presents two budgets: its regular budget submission to United Nations Headquarters (for inclusion in the programme budget of the United Nations) and a budget on its voluntary funds, the consolidated budget, to the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice. The two budget documents contain the same information, albeit with a different focus, and are presented to the Advisory Committee on Administrative and Budgetary Questions on two different occasions and to Member States on three different occasions. UNODC also prepares two sets of accounts according to different schedules, accounts that are audited separately".[8]

UNODC has to work with two separate trust funds which is not conducive for effectiveness. The issue of merging the two existing trust funds had been discussed in the past at CND and CCPCJ, without reaching any concrete conclusions. Believing that the fund-merging could streamline the financial management and increase the efficiency and effectiveness of the Office, but also conscious that such merging supposes a sufficient level of confidence from donors, the Inspectors wish to raise the issue again and call for a feasibility study to take stock of potential benefits and difficulties related to such adjustment of the financial structure. To address Member States' concerns, it should be possible to manage drugs and crime programmes allocations within the same fund, in full transparency and more effectively.

[7] A/64/548/Add.1, op 85.

[8] See E/CN.7/2008/11-E/CN.15/2008/15.

The implementation of the following recommendation is expected to enhance the effectiveness of the financial management of the Office.

Recommendation 4

The Executive Director should commission a study on the feasibility, benefits and drawbacks of merging the Fund of the United Nations International Drug Control Programme and the United Nations Crime Prevention and Criminal Justice Fund and report thereon to the Commission on Narcotic Drugs (CND) and the Commission on Crime Prevention and Criminal Justice by the end of 2012 at the latest.

C. Necessary efforts for reducing rigorous earmarking

Earmarking is a delicate and sensitive issue, sometimes bearing political connotations and mainly decided by the donor's policies. Generally speaking, the earmarking practice impacts on planning, prioritization and resources allocations, especially coupled with the decline of core resources. It also entails a risk of shifting priorities at the implementation stage since resources contributed by donors are often strictly earmarked to specific projects, which is very much the case of UNODC, therefore limiting flexibility in the use of resources and the prioritization. In 2008-2009 contributions to SPFs represented as much as 80.9 per cent of UNODC funding. To some extend, strict earmarking also results from the fact that UNODC mandates are broad in nature and donors wish to target their financial support to precise areas of work.

The Inspectors are concerned by the fact that while Member States show willingness to invest in UNODC activities through contributions to SPFs, either for mandate implementation or for national project execution, they are reluctant to invest in UNODC basic structure via the GPFs. As a matter of fact, one UNODC representative addressing the CND 51st session warned that "UNODC could soon find itself in a position where it would have to refuse extra-budgetary contributions linked to specific projects because the general-purpose funds were not sufficient to meet operational costs".[9]

At UNODC, there is no institutional mechanism that links the contributions made to the SPF with contributions to GPF. In the view of the Inspectors, unless such a mechanism is developed and implemented, there is a permanent risk of financial tensions.

To some extent, its financial situation forces the Office itself to adapt to the earmarking trend by designing projects capable of sparking off funding in a "popular" area and therefore securing resources for the organization. The constant pressure to search for money translates into a trend for expansion of activities by including a wide range of substantive areas not directly related to its core mandates. This spreading is not always well understood by UNODC staff as shown by multiple comments expressed via the survey. The thematic and regional programming initiatives described in Chapter IV are an attempt to introduce more flexibility into earmarking practices and increase predictability via multi-year pledges.

During interviews, some Member States attributed the strong earmarking to the absence of sufficient level of transparency, not only in the allocation of resources but at various levels within the Office and also to what they consider as insufficient oversight in their eyes. The Inspectors learned with concern that some donors apply earmarking to their contributions to UNODC while they do not do so when contributing to other organizations which shows that there is room for improvement.

Joint efforts, from both donors and UNODC, are needed in order to reduce the strict earmarking of contributions. The Office should further improve the transparency of its processes, continue to improve its reporting and information sharing capacities, and increase the user-friendliness of documents when communicating to Member States. The latter should, through CND and CCPCJ, appeal to donors to refrain from earmarking and to further develop when applicable a practice of multi-year pledging.

[9] E/2008/28-E/CN.7/2008/15.

UNODC should take further and concrete measures to build up donors' confidence by demonstrating accountability at all levels of the Office, both for programme implementation and senior management practices. As a first step, the Executive Committee (Excom, see Chapter IV) confirmed the need to create a specific mechanism to monitor UNODC's financial situation on a more regular basis. It translated into regular briefings of the divisions' Directors by the Chief of the Financial Resources Management Section. In the Inspectors' opinion, this could be expanded into an institutional mechanism such as a resources allocation committee to review the financial situation and oversee the strategic prioritization in the allocation of resources and prioritize fund raising appeals. The existence of such committee could also contribute to raise transparency and confidence of donors so as to strive for reducing earmarking of contributions.

The implementation of the following recommendation is expected to enhance the effectiveness and transparency of the Organization.

Recommendation 5

The Executive Director should institute a corporate mechanism to oversee the financial situation of the Office and to determine overall resource allocation, notably aiming at increasing transparency so as to strive for reducing earmarking of contributions.

D. Fund-raising strategy to further enlarge the donor base

UNODC categorizes its donors into five main groups as shown in Table 3. UNODC relies for more than two thirds of its extrabudgetary (XB) contributions on one category of donors, even more when adding other categories such as the multi-donor trusts funds or the international financial institutions which are also mainly relying on the same pool of countries. It is a positive sign to note that this dependence has been significantly lowered since 2005; it has been largely boosted by bilateral contributions for national execution projects for which implementation is delegated to UNODC. The Inspectors noted with satisfaction that the share of the category of emerging and national donors has more than doubled in the last five years. Despite a significant drop from 2008 to 2009, it represents a share of over 25 per cent of the extrabudgetary income for UNODC.

Table 3: UNODC donors respective share of extrabudgetary contributions (2005-2009), in percentage

UNODC donor category	2005	2006	2007	2008	2009
Major donors	83.5	61.5	71.7	53.9	64.7
Emerging and national donors	10.5	31.7	21.2	38.7	25.6
United Nations agencies	3.9	5.1	6	3.5	5.4
Multi-donor trust funds	0	0	0	2.1	2.3
IFIs and IGOs	1.7	1.3	0.8	0.8	1.1
Private sector	0.4	0.4	0.3	1	0.8

Source: UNODC Annual reports 2006-2010.

The International Monetary Fund Executive Board recently reformed itself, increasing the quotas for the emerging markets and developing countries. The World Bank had already taken similar actions. These changes are in recognition that developing countries are playing an increasing role in world economy. In the view of the Inspectors, UNODC should continue its efforts to further enlarge its donor base from among developing countries, in particular those with emerging markets, as well as towards the private sector.

The current management instruction on fund-raising[10] lacks a clear statement on UNODC strategic approach to resources mobilization. It focuses on overall policy and procedures. The Inspectors recommend updating the document, notably to include more strategic aspects.

The implementation of the following recommendation is expected to enhance the effectiveness of the Office.

Recommendation 6

The Executive Director should formulate a fund-raising strategy to further enlarge the Office's donor base.

IV. EXECUTIVE MANAGEMENT

At UNODC, the main management mechanisms are: (a) the Executive Committee (Excom); (b) the Management Review Committee (MRC); (c) the UNODC senior staff meeting, and (d) the Divisions' meetings.[11]

The Excom is intended to be the main forum for decision-making at the highest level. It is a common UNOV/UNODC body composed of all directors of both entities as well as other senior officials. It may lack appropriate focus on UNODC specific issues and thus have limited effect as a senior management committee for the office. The Inspectors studied the records of Excom meetings in recent years as well as the monitoring tables of its decisions and noted that meetings were more of an information sharing opportunity. **In the Inspectors' opinion, there is room for strengthening the Executive Committee and have it to focus more on substantive and strategic management (vision) with particular interest of UNODC. Its senior management should assess if this can be achieved in the current UNOV/UNODC format of the Excom or via a UNODC-dedicated mechanism.**

The MRC was replaced by the Senior Management Team in April 2010. Its terms of reference are limited in scope and focused on performance management issues and staff development plans. Discussions regarding individual's performance appraisal (e-PAS) are generally limited to compliance and average rating. The Inspectors encourage senior managers to further explore how individual performance appraisal could be a more effective tool for managing staff in the context of an organization characterized by job uncertainty. The former Executive Director also expressed his concerns that the e-PAS was not used adequately by some of the managers.

A. Management questioned by staff

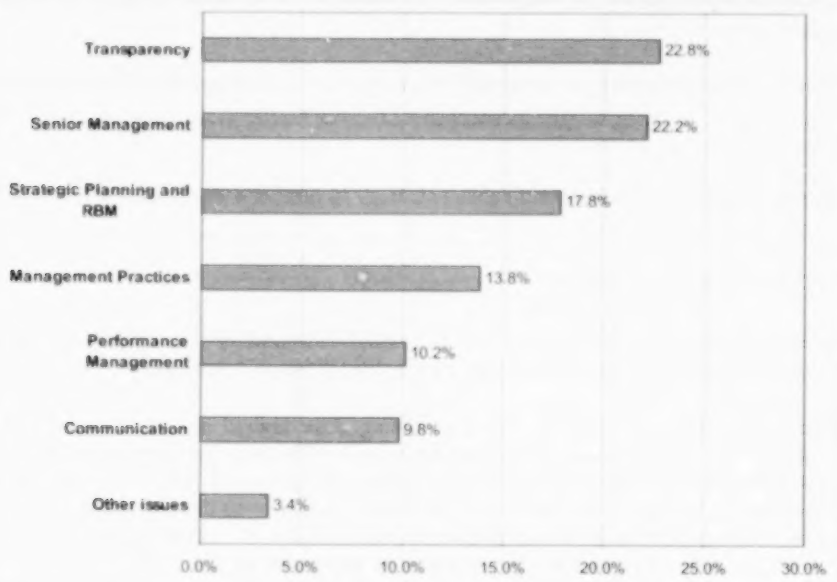
As far as executive management is concerned, improvements are significant as compared to a decade ago. Nevertheless, the Inspectors received a considerable number of comments revealing dissatisfaction of staff with overall management of the Office and with senior managers in particular, showing that staff morale is low in the Office. Lack of transparency in decision making, absence of sufficient communication and encouragement to open discussions, absence of follow-up to decisions, mismanagement, etc. are frequently cited as examples of concerns as shown in figure 4 below.

The Inspectors are convinced that urgent attention should be given to overall management in order to create a better atmosphere and conditions for effectiveness. In that spirit, UNODC senior management should ensure that institutionalized mechanisms of dialogue and communication with staff are undertaken on a regular basis and provide a real forum for exchange of views in order to increase staff ownership of decisions directly affecting their working conditions and environment.

[10] UNODC/MI/6/Rev.1.

[11] See UNOV/DGB.13/Rev.1-ODCCP/EDB.13/Rev.1 June 2002.

Figure 4: Areas of concern of UNODC employees regarding executive management



Source: JIU survey 2010.

B. Organizational restructuring in 2010

UNODC has implemented an organizational restructuring in April 2010 that was triggered not only by financial difficulties requiring some streamlining of the structure but also by previous oversight recommendations that pointed out duplications, overlaps/gaps of substantive or administrative functions as well as a lack of coordination and the existence of internal competition. The guiding principle of the realignment exercise was to consolidate thematic expertise to increase substantive integration of themes by redeploying sections and units of two divisions, namely the Division for Operations and the Division for Treaty Affairs.

At the time of the Inspectors' review, the structural changes were too recent to enable drawing any conclusion on its positive or negative aspects. However, some remarks were made to the Inspectors, mostly regretting that the exercise was partial, involving only two of the four divisions of UNODC and therefore could be considered as a missed opportunity to further align the structure with the mandates of the Office.

The Inspectors also received comments from staff expressing concerns on a constant restructuring pattern at UNODC. The reasons for organizational restructuring are not always obvious for staff and not clearly communicated to them. Some interviewees strongly questioned the rationale for the administrative changes, stressing their impression of the realization of a personal agenda above the organization's benefit, in some cases.

Following the mandate review and the prioritization exercise (recommendation 2), the Inspectors would also advise the Executive Director to conduct a functional review of all UNODC divisions, sections and units, and align them to the reconfirmed and prioritized framework for action of the Office, including by reorienting human and financial resources if necessary.

The implementation of the following recommendation is expected to enhance the effectiveness of the Office.

Recommendation 7

The Executive Director should conduct a functional review of all UNODC divisions, sections and units, in order to align them as part of a reconfirmed and prioritized framework for action of the Office as proposed in recommendation 2.

C. Lack of coordination reduces effectiveness

The lack of coordination and even some competition between UNODC entities have been pointed out by previous oversight reports. These problems are the result of merging entities of different origins and two different cultures into a single Office. It is also the consequence of the financial context in which activities of each unit are highly dependent on the voluntary contributions raised.

Table 4 displays the survey results on coordination and cooperation of UNODC divisions/departments/units on one hand and between Headquarters and field level on the other hand. Indeed, coordination issues were repeatedly pointed out as problematic by interviewees occupying various hierarchical levels. The table also shows that opinions expressed vary significantly according to the category of respondents. The Inspectors noted that the views of international professionals were more critical. Interestingly, the assessment made by Headquarters staff is consistently more critical compared to the feedback from the field. In addition, UNODC employees are critical on the way responsibilities and work processes are documented which could impact on the internal effectiveness of the Office.

As an example, the Inspectors heard repeated comments on the absence of coordination in fund-raising activities and even on competition between units/offices that are tempted to mobilize funds for their own projects, therefore securing their existence. This also appears to contribute to divert officers from the substantive aspects of their work.

The Inspectors recommend that UNODC review its current coordination mechanisms and their effectiveness in order to identify either duplication or redundancy in processes or bypassing and overlapping practices.

Table 4: Views of various categories of UNODC employees on coordination issues (in percentage)

Do you consider that there is sufficient coordination and cooperation among divisions/departments/units at UNODC?				
	Yes	**Somewhat**	**No**	**Don't know**
All employees	20.2	39.7	34.3	5.7
International Professional staff only	9.4	34.4	54.4	1.7
Headquarters staff	14.4	37.4	43.2	4.9
Field staff	23.6	42.0	28.9	5.5
Do you find that the level of coordination and cooperation between Headquarters/Field Offices is adequate?				
	Yes	**Somewhat**	**No**	**Don't know**
All employees	20.4	40.1	31.0	8.5
International Professional staff only	7.8	35.0	53.9	3.3
Headquarters staff	12.3	42.0	34.2	11.5
Field staff	25.7	38.8	30.0	5.5

Do you find that respective responsibilities and work processes among divisions and/or departments are clear and well documented?				
	Yes	Somewhat	No	Don't know
All employees	20.0	39.6	31.4	9.0
International Professional staff only	6.7	38.9	48.9	5.6
Headquarters staff	12.3	44.0	35.8	7.8
Field staff	24.8	36.2	29.2	9.9

Source: JIU survey 2010

As a good practice, the Inspectors noted the annual Field Representatives Seminar (FRS) serving as an internal coordination mechanism which involves UNODC regional and country representatives and officials from various sections at Headquarters. In addition to substantive discussions, the seminar tackles a wide range of management and administrative issues that are addressed and discussed in a collective manner. It is an opportunity for field managers to directly interact with managers at Headquarters, both in collective session and in bilateral meetings. The Inspectors see it as a useful forum to increase mutual understanding of respective capacities, constraints, procedures, functions, achievements, etc. that could alleviate a certain feeling of disconnection with Headquarters.

The implementation of the following recommendation is expected to enhance overall coordination within the Office and therefore its effectiveness.

Recommendation 8

The Executive Director should undertake a comprehensive review and assessment of coordination mechanisms and procedures within the Office and take appropriate measures for improvement by the end of 2012.

D. Strategic planning and results-based management

Strategic planning has undergone a major development at UNODC with the adoption of the UNODC Medium-term Strategy for the period 2008-2011 complementing the corresponding programme of the United Nations Strategic Framework.[12]

Whether the UNODC mid-term strategy was sufficiently addressing strategic issues and would be used as a strategic management tool to develop a common vision for UNODC generated mixed comments from interviewees. The Inspectors received repeated comments on the absence of a long-term vision for the Office and its missions, or at least the absence of a clear communication of this vision to all units and staff. This situation is also the result of the trend observed in recent years during which UNODC positioned itself in many different areas to capture financial support. As shown in figure 5 below, UNODC launched in recent years regional and thematic planning initiatives. Supported by Member States, the ongoing thematic[13] and regional programming is an attempt to reconcile numerous fragmented and sporadic projects into a more strategic and consolidated set of programmes. The Inspectors could perceive through their interviews and their review of programming documents a strong internal commitment and a proactive attitude to adjust the process and build it

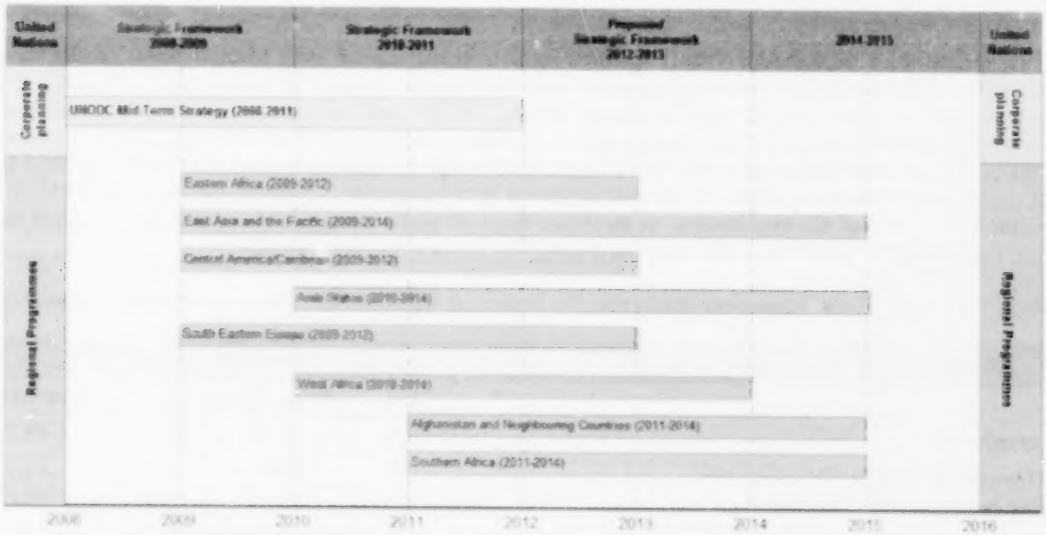
[12] Strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime, E/CN.7/2007/14- E/CN.15/2007/5, approved by Economic and Social Council resolutions 2007/12 and 2007/19.

[13] As of December 2010, Thematic Programmes include: (a) Action against Corruption and Economic Crime, (b) Crime Prevention and Criminal justice reform, (c) Addressing Health and Human Development Vulnerabilities in the Context of Drugs and Crime, (d) Scientific and Forensic services, (e) Terrorism Prevention, (f) Research and Trend Analysis and (g) Organized Crime and Illicit Trafficking (including THB, Smuggling, Money Laundering, Firearms).

on lessons learned from programmes already designed. Some regional and thematic programmes are currently under development.

The multiple layers and timeframes that UNODC has to face in its strategic planning processes are shown in figure 5 below, which also shows that all planning documents are not fully aligned as they are conceived and developed gradually.

Figure 5: Strategic planning at UNODC



There are many benefits expected from the thematic and programmatic approach: (a) the enhanced dialogue with Member States therefore increasing ownership via the involvement of regional actors at the drafting stage and their participation in the steering committees at the implementation stage; (b) the potential for resource mobilization and softer earmarking done at the programme level rather than at single projects; (c) the increased administrative effectiveness by dealing with a number of management activities at the programme level, and (d) the creation of a reinforced oversight framework in which headquarters and field offices would contribute to increased accountability.

However, some more problematic aspects have been identified: (a) UNODC has to better manage the transition and the phasing out of existing projects into programming; (b) UNODC has to manage the coexistence in its portfolio of programmes and national projects developed according to local situations; (c) UNODC needs to adjust current managing and reporting corporate tools to meet the full requirements for financial and administrative support of more comprehensive programmes (such as reporting, tracking down information, monitoring pledges, expenditures, etc.); (d) UNODC has to reconcile the alignment of various programming layers that are not developed, drafted and endorsed at the same time.

The Inspectors conclude that strategic planning at UNODC represents a challenge given the context characterized by the unpredictability of resources mainly due to earmarking. However, they stress that strategic planning should be based on long-term vision and prioritization (recommendation 2) of actions to reach targeted outcomes. This is of primary importance for an organization like UNODC to avoid donor-driven programmes and activities. The Inspectors also recommend a thorough independent evaluation of thematic and regional programming implementation to be conducted and be presented to the governing bodies.

The implementation of the following recommendation is expected to enhance the efficiency of the Office.

Recommendation 9

The Executive Director should present an independent evaluation of thematic and regional programming and report on its implementation status, impact and lessons learned to the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice by the end of 2013.

While the results-based management (RBM) approach receives strong support from Member States, in the view of the Inspectors, the Office continues to face a number of challenges in that regard. The online survey showed that there is relatively low and disparate level of RBM knowledge among UNODC staff members, a fact that was confirmed during interviews with relevant managers. It was encouraging to see that professional staff members are more aware about RBM but at the same time, it should be noted that 36 per cent of them stated that the objectives and expected results of UNODC are not clearly communicated to them. The doubts expressed in the responses concerning the impact of RBM on overall performance improvement are troublesome, in particular those of senior managers (4.2 per cent of positive answers). Based on the answers to the survey, there is also an urgent need for more training on RBM.

Table 5: Views of UNODC employees concerning the impact of RBM on the Office performances (in percentage)

In your view, has the implementation of RBM improved the overall performance of UNODC?				
	Yes	**Somewhat**	**No**	**Don't know**
All employees	8.6	21.7	20.8	48.9
International Professional staff only	5.6	26.4	32.6	35.4
Senior managers (P-5 and above)	4.2	27.1	43.8	25.0
Headquarters staff	5.7	24.1	24.1	46.1
Field staff	10.0	20.2	19.0	50.8

Source: JIU survey 2010.

Previous OIOS observations pointed out the difficulties in planning and results-based management at UNODC. The Inspectors consider that a stronger RBM culture at UNODC would certainly benefit the organization by contributing to donors' better understanding of the Office's activities and achievements, via increasing transparency and accountability. This is a way to reinforce the confidence of donors, therefore attracting more resources. The Inspectors reviewed several planning documents and acknowledged progress in recent years taking into consideration that some difficulties might arise in identifying relevant parameters measuring achievements in areas such as drugs or crime, which are delicate by nature.

The Inspectors encourage UNODC managers and regional representatives to continue their efforts to increase the pertinence, relevance and quality of indicators. The Inspectors encourage UNODC senior management to further develop a planning and result-based culture to progressively create institutional knowledge and a shared RBM culture among staff.

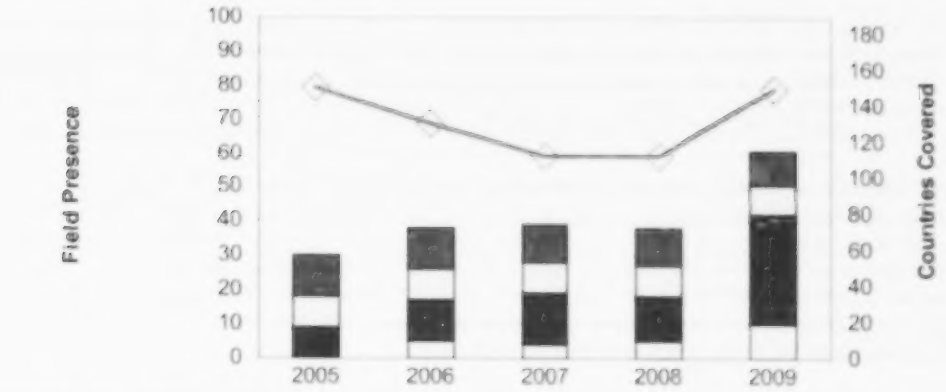
E. Challenges related to field presence

Since its creation, UNODC has significantly developed its field presence and countries coverage that corresponds to the expansion of its portfolio of technical cooperation activities. As shown in figure 6 below, the Office's field network encompasses four categories of entities, namely (a) Regional Offices (headed by a Field Representative); (b) Country Offices (headed by a Field Representative or a Country Manager); (c) Programme Offices (headed by a Chief or Programme Coordinator, as appropriate), and (d) advisers. Annex III contains a map of UNODC field deployment.

The Inspectors noted the UNODC efforts to further formalize the structure and the nomenclature of its field network. In 2010, the Excom endorsed the guidance note defining the respective roles, duties and responsibilities of each entity and

their interactions with other entities within and outside UNODC. During the review, it was however obvious that this document was not sufficiently made known in the Office, even within the field representatives' community. There is thus a need to disseminate this concept note to ensure that field offices comply with their provisions and directives.

Figure 6: Evolution of UNODC field presence (2005-2009)



	2005	2006	2007	2008	2009
Regional Offices	12	12	11	11	10
Country Offices	9	9	9	9	9
Programme Offices	9	12	15	13	32
Advisors		5	4	5	10
Countries Covered	151	131	113	113	150

Source: Data consolidated on the basis of UNODC Annual Reports and information provided by UNODC. Country coverage may change during a given year.

The operating environments of UNODC field offices vary tremendously from one country office to another, so do the scope and the nature of activities carried out. The Inspectors wish to highlight that the field presence is perceived by survey respondents as beneficial for the Office and its delivery capacity. Almost 60 per cent consider that field presence is successful and contributes to improve UNODC capacity to deliver. Only 5.2 per cent expressed negative opinion.

However, during the review, there was a consensus that UNODC presence in the field remains limited in terms of resources and expertise available. As a matter of fact, field deployment is almost entirely sustained by extrabudgetary sources, so is the Division of Operations. This creates tensions and uncertainty and might have an influence on programme priorities as well as on mandates implementation. Among field entities there are self-sustained offices (dealing with a large portfolio of projects) or subsidized offices (dealing with a smaller project base).

At this point in time, building on the prioritization exercise (recommendation 2), **the Inspectors believe that the Office should redefine the strategic approach of its field presence and reconfirm its deployment principles, in particular the strategy to strengthen its regional presence and/or its country deployment**.

There are a number of management challenges at field level. The efficiency and effectiveness of the field presence is strongly related to the leadership and management capacities of the Field Representatives. Often, an office functions with one or two international staff complemented by local staff. The Inspectors noted that the level of UNODC representatives varies from P-4 to D-1, according to the size of the operations for which they are responsible. The job descriptions of these positions are dated from 1999 and there is certainly a need to update them taking into account the evolution of the Office and its field operations. In that context, the Inspectors noted that efforts are underway to develop generic job descriptions for the heads of field offices and of regional offices. The Inspectors also encourage UNODC to continue to enrol its Field Representatives to leadership and management training modules that could contribute to enhance managerial capacity of UNODC field office.

Due to its limited capacity, UNODC relies on UNDP for support services in areas such as selection and administration of field personnel, financial and administrative management of field offices, administrative support to projects, etc. The Inspectors heard a number of remarks regarding the delays and the quality of services provided to UNODC field offices. It was also recognized that the local situation was a major element of variability in terms of quality of services. The Inspectors also consider that UNODC itself has a central role to play in smooth functioning of these arrangements.

Most of field deployed employees are hired as service contractors by UNDP under UNDP contractual status and according to UNDP policies. They are contributing to implement the Office's mandates while they are not considered as UNODC staff. The fact that various contractual status coexist might entail consequences in terms of management. It creates differences among employees and also imposes cumbersome processes and procedures on managers that are facing two sets of rules and regulations, which at times can be contradictory. There are also differences in staff status, entitlements, performance appraisal system and administration of justice processes. Ultimately, the situation might impair the quality of delivery by impacting on staff motivation as well as on staff retention.

A 1997 Memorandum of Understanding defines the working arrangements and services provided under the Universal Price List, which is often competitive. In the Inspectors' opinion, the MOU provisions with regards the assessment of services and the mechanisms for conflict resolutions are too general. UNODC should consult with UNDP to amend the MOU with precise performance indicators to ensure a shared framework for assessing performances and services. The Inspectors also encourage UNODC to keep in mind alternative solutions. UNODC uses services offered by UNOPS in project management, procurement, human resources and financial management for which a comparative advantage exists. Options to establish collaborations with the United Nations Department of Field Support or to retain some administrative actions at central level and act remotely, when possible could be explored as well. Explorations are also under way with United Nations Offices in co-locations (for example in Nairobi or Bangkok). More generally, while for programmatic aspects, field officers have most of the time a counterpart at Headquarters, the administrative supporting structure and mechanisms have not been adjusted to face the increased decentralized presence. It is time for UNODC to put in place a specific structure dealing with field operations support.

The implementation of the following recommendation is expected to enhance the effectiveness of the Office.

Recommendation 10

The Executive Director should consult at the earliest opportunity with the Administrator of the United Nations Development Programme in order to review and update the existing Memorandum of Understanding with a view to include provisions for the assessment of services.

Monitoring of field activities is a requirement but is, to some extent, impeded by a lack of internal capacity. Recent audits show that in addition to existing check and balance mechanisms, there is a need to increase administrative and financial oversight from Headquarters on field offices. The Inspectors are pleased that UNODC has developed a new monitoring system for performance and efficiency of its field operations as presented during the 2010 Field Representatives Seminar. By doing so, UNODC endeavours to set the conditions (a) to demonstrate more corporate accountability via transparency and documented records in order to assist UNODC corporate oversight, decision making and organizational learning;

(b) to measure programme performance throughout its implementation; and (c) to promote organizational learning. Strong corporate commitment to support this system, with full cooperation of all concerned entities (field offices but also other UNODC entities such as FRMS, ITS, Tasks Teams, IEU, SPU, CPS, Quality Control and Oversight Unit) appears as the prerequisite for success.

V. HUMAN RESOURCES MANAGEMENT

Human resources management remains under the United Nations framework. The UNOV/UNODC Human Resources Management Section (HRMS) has therefore a limited scope for action in a number of areas. As part of the United Nations Secretariat, UNODC targets are defined and assessed in many areas through the United Nations objectives as expressed in the Human Resources Action Planning Cycle (HRAP). For the purpose of this review, the Inspectors wished to analyse figures in a larger perspective by including positions funded by means other than regular budget.

Due to the dual nature of activities of the Office (normative and technical cooperation), the Inspectors draw attention to the fact that some of the United Nations rules might not be fully adapted to the Office's needs, in particular with regards its increased field dimension. In some aspects, the Office now presents the profile of a specialized agency (focused expertise, field presence, need for rapid responsiveness, etc.).

The funding modalities create constant tensions about job security, which is a concern of most UNODC employees. The survey confirms that the impact on corporate performance is not negligible and seems higher within the Professional category. The Inspectors noted the efforts of UNODC in that matter as in the case of the cost saving exercise in 2009 during which very few jobs were lost. But it must be noted that respondents were not receptive to this action and pointed out the fact that UNODC has no mechanism to face and alleviate job uncertainty, as it is often the case in a similar context.

Table 6: Views of various categories of UNODC employees regarding impact of job uncertainty (in percentage)

In your opinion, to what extent does job uncertainty at UNODC affect overall performance?					
	Considerably	**Not so much**	**Somewhat**	**Insignificantly**	**Not at all**
All employees	63.3	12.5	20.4	2.4	1.4
International professional staff only	72.5	7.3	16.9	2.8	0.6
Headquarters staff	67.5	9.2	18.9	3.1	1.3
Field staff	61.3	14.6	20.4	2.1	1.5

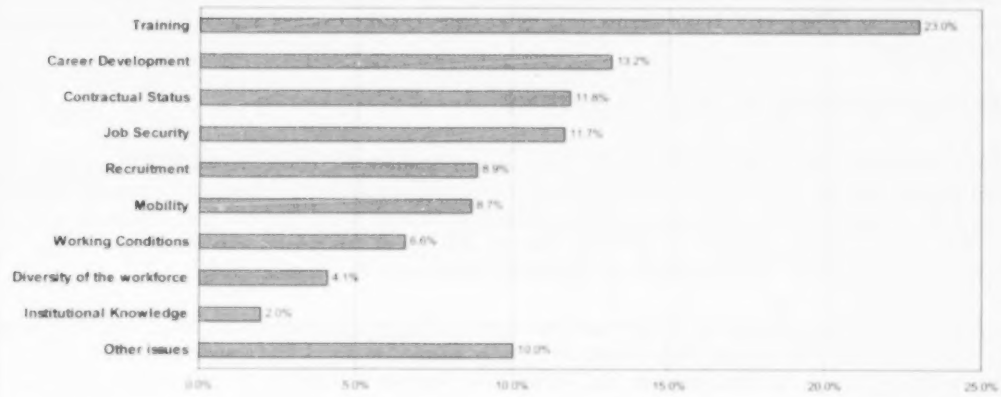
Source: JIU survey 2010

A. Human resources flagged as problematic

The Inspectors are aware that human-resource issues tend to generate debates, discussions and frustration among staff of any international organizations. Nevertheless, the examples provided during interviews sessions and the extremely critical comments expressed via the survey are indicative of the views of UNODC staff regarding aspects such as transparency of procedures and selection processes, compliance with rules and consistency in their application, impression of favouritism and doubts regarding equity towards candidates, gender biases, etc. **The Inspectors are convinced that it is of primary importance to address these perceptions by applying and demonstrating the highest degree of compliance, transparency and communication in these matters at all stages in order to avoid ground for frustration and rumours.**

In addition, numerous criticisms regarding the poor quality of services provided by the Human Resources Management Section were made describing HRMS as not sufficiently client-oriented. The Inspectors recommend that HRMS take measures to collect clients' feedback on a more regular basis in order to identify its clients' perception and adjust accordingly if possible within its capacity and resources.

Figure 7: Human-resources issues mentioned by UNODC employees



Source: JIU survey 2010.

Mobility is determined by the United Nations policy which is currently being re-evaluated. In that area, UNODC participates in the Voluntary Initiative for Network Exchange (VINE) to promote mobility of staff. The Inspectors believe that, despite the absence of a required mobility scheme, more rotation between headquarters and field staff members could benefit the Office by developing better corporate and institutional knowledge based on increased sharing of experiences. At the moment, Professionals who are the primary target of the mobility scheme, consider that UNODC does not sufficiently encourage such rotation. The Inspectors consider the absence of such system as a missed opportunity in UNODC's context.

With regard to human resources matters as well as for other critical issues of staff interest, the Inspectors recall that, since 2009, the Regional Branch of the United Nations Ombudsman in Vienna constitutes an opportunity for staff to raise issues of concerns and explore ways of informal problem solving.

B. UNODC workforce

Tables 7 and 8 provide a snapshot of the UNODC workforce composition. The Inspectors wish to stress the difficulties encountered in having a clear picture of UNODC staffing due to shared resources with UNOV. As a consequence, data presented were extracted from the IMIS database and do not include staff members working in the Division of Management.

Table 7: UNODC workforce by locations for the years 2005 and 2009, distributed by regular and extra-budgetary funding

	2005		2009		2005 (%)		2009 (%)	
	RB	XB	RB	XB	RB	XB	RB	XB
Headquarters staff	135	304	159	509	30.8	69.2	23.8	76.2
Field staff	2	392	2	1940	0.5	99.5	0.1	99.9
All employees	137	696	161	2449	16.4	83.6	6.2	93.8

Source: Data consolidated on basis of figures provided by UNODC.

Table 8: UNODC workforce by categories for the years 2005 and 2009, distributed by regular and extra-budgetary funding

	2005		2009		Percentage Growth	
	RB	XB	RB	XB	RB	XB
Headquarters staff	**135**	**304**	**159**	**509**	**17.8**	**67.4**
International Professional Staff	70	73	80	95	14.3	30.1
General Service	41	55	43	55	4.9	0.0
Individual Contractors	12	7	3	40	-75.0	471.4
Consultants	12	16	33	79	175.0	393.8
Other: (JPO/Associate Experts/Volunteers).	-	78	-	15	-	-80.8
Interns	-	75	-	225	-	200.0
Field staff	**2**	**392**	**2**	**1940**	**0.0**	**394.9**
International Professional Staff	1	67	1	100	0.0	49.3
General Service	1	1	1		0.0	-100.0
External contractors	-	226	-	1290	-	470.8
Consultants	-	39	-	366	-	838.5
National officers	-	19	-	27	-	42.1
Other: (JPO/Associate Experts: Intern, Volunteer, etc.)	-	14	-	9	-	-35.7
UNDP hired staff*	-	26	-	148		469.2
Total by source of funding	**137**	**696**	**161**	**2449**	**17.5**	**251.9**
Total employees	**833**		**2610**		**+ 213.3**	

Source: Data consolidated on basis of figures provided by UNODC

There is a general increase of the workforce coincident with a reduction of the proportion of positions funded by regular budget resources. The ratio RB/XB illustrates the risk for business continuity, organizational effectiveness, retention of expertise and institutional knowledge at UNODC. In 2005, RB positions represented 16.5 per cent of the workforce (83.5 per cent of XB-funded posts) but dropped to 6.1 per cent in 2009. The Inspectors also noted that two categories of the workforce (interns and consultants) are characterized by a sharp increase. In parallel, the Junior Professional Officers (JPO) category has significantly reduced.

Internship programmes at United Nations entities are seen as a positive experience for all parties involved: organizations, supervisors and interns. The Inspectors question the considerable and increasing recourse to interns at Headquarters which might indicate a lack of the necessary resources to meet requirements of the Office. In that context, it is challenging, to say the least, to comply with policy requirements of creating a working environment conducive to interns' substantive learning and professional development accompanied by a proper supervision.

Contractors and consultants have been increasing as well due to the expansion of the portfolio. For instance, the number of consultants in the field has greatly multiplied. The Inspectors are concerned in particular since, as noted by the Board of Auditors in a number of reports, the management of consultancy contracts at local level might be challenging with regards aspects such as selection, monitoring and evaluation.

C. Gender balance and workforce diversity

Table 9 demonstrates the sharp difference in the proportion of females to males according to the hierarchical level. The gender distribution within the entire Professional category has slightly improved and the female share reached 42.4 per cent in 2009. Improvement also occurred concerning senior level positions (P-5 and above), even though these posts are still largely held by males (more than three quarters). At field level, the gender distribution of field representatives is more unfavourable (17.6 per cent female), while for consultants it is estimated at 38 per cent female. This situation generated comments during the interviews and complaints via the survey that UNODC was "a male-dominated organization".

Table 9: Gender distribution in UNODC at Professional level and above for the years 2005 and 2009

	2005	2009	2005 (%)	2009 (%)
All Professional staff				
Female	85	117	40.3%	42.4%
Male	126	159	59.7%	57.6%
Senior Professional staff (P5 and above)				
Female	10	15	16.4%	24.2%
Male	51	47	83.6%	75.8%

Source: Data provided by UNODC

The same positive trend regarding gender balance is noticeable for recruitment and promotion exercises in the professional category. But again, the promotion at senior level remains male dominated. The forecasts for retirement at senior level in the next three years create an opportunity for action to increase women representation as 8 out of the 10 senior positions concerned are currently occupied by male staff members. The Inspectors urge the Executive Director to seize this opportunity to better balance the gender representation within senior managers.

Table 10: Gender distribution of recruitment and promotion at Professional level and above for the period 2005-2009

Recruitment (RB)	Total 2005-2009	Total (%) 2005-2009
All Professional staff		
Female	10	47.6%
Male	11	52.4%

Not enough recruitment exercises were conducted involving senior professional staff (P5 and above) to draw any conclusion

Promotion (RB)	Total 2005-2009	Total (%) 2005-2009
All Professional staff		
Female	31	64.6%
Male	17	35.4%
Senior Professional staff (P-5 and above)		
Female	5	33.3%
Male	10	66.7%

Source: Data provided by UNODC

The implementation of the following recommendation is expected to enhance gender representation at senior level within the Office.

Recommendation 11

The Executive Director should undertake further measures to improve the gender balance at senior level, including for Field Representatives.

The issue of the diversity of UNODC workforce also requires some attention. Annex II shows that geographic origin of Professional staff is not sufficiently balanced. While 68 nationalities were represented among UNODC Professional workforce in 2009, almost one third of these originate from three countries of the Western European and Others Group (WEOG) of States. This situation should be addressed by a medium-term proactive recruitment strategy. After reviewing data on recruitment and promotion exercises, the Inspectors would like to see more serious and consistent efforts made to broaden the diversity of recruitment towards candidates from developing countries, including at senior level.

The geographical balance of consultants is also worrisome. In 2009, four countries (namely, the United Kingdom, Australia, the United States and Canada) contributed 51 per cent of the consultants' pool. This concentration means a loss of diversity of expertise and experiences and a loss of participation and contributions from other regions. Even though the directors for DTA and DO advocated for enlarging the diversity of consultants' nationalities, the situation has not improved much.

Given the specificity of the mandates, UNODC workforce has to be highly specialized in various areas such as trafficking, corruption, etc. HRMS should take measures to strengthen its capacity for proactively seeking such specialized expertise; in particular in developing countries. UNODC intends to use the features of the new United Nations recruitment tool Inspira to support such outreach efforts.

The implementation of the following recommendation is expected to enhance geographical balance of the professional workforce of the Office.

Recommendation 12

The Executive Director should establish a clear plan of action to broaden the diversity of the Professional workforce, as well as of the pool of consultants, in particular by considering more candidates from developing countries.

D. Insufficient training resources, uneven training opportunities

Given the necessity of maintaining substantive expertise in legal and varied technical areas, training and retraining of staff is strategic for UNODC. As shown in figure 7 above, training is one of the biggest interests of staff that responded to the survey.

While the Inspectors noted that the number of staff trained doubled in the last five years, the following issues retained the Inspectors' attention:

(a) Training funds are provided on the basis of the workforce as funded by regular budget resources, not taking into account staff members financed via other funding types. As a consequence, resources for training are notably insufficient. UNODC has proactively introduced creative solutions to widen as much as possible enrolment, but with limited impact.

(b) Access to training is not only limited but also uneven among categories of staff. Field-based staff members are not sufficiently exposed to training opportunities, despite the existence of online modules. At the local level, contractual status is also an obstacle. In the opinion of the Inspectors, this situation entails a major corporate risk as staff responsible for key operational procedures or provision of services is likely not to receive sufficient and regular coaching. Expectations of holding decentralized training events were limited by financial restrictions. As a consequence, field staff often goes through a "learning by doing" process.

(c) As mentioned, UNODC deals with very specific skills and competencies, therefore the adequacy of training, in particular upgrading of substantive and technical skills to enhance professional effectiveness of UNODC officers is of primary importance. In that regard, the Inspectors draw attention to the fact that only 27 per cent of the survey respondents in the Professional category were satisfied with the adequacy of training provided to them. The Inspectors also consider that it could be beneficial to develop basic training modules on all UNODC mandates in order to increase corporate understanding and knowledge.

VI. OVERSIGHT

A. Oversight framework

The oversight framework is presented in figure 1 of this report, together with the governance arrangements. As part of the United Nations Secretariat, UNODC is subject to internal oversight from the Office of Internal Oversight Services (OIOS) which is responsible for audit, evaluation, inspection and investigation functions. OIOS follows a risk-based approach to select its audit or inspection/evaluation assignments and produced a number of reports in each of these specific areas.

A 1999 Memorandum of Understanding governs the audit arrangements (resources funding, planning, etc.). The Inspectors share the recommendation of the Board of Auditors to consider the update and revision of this agreement. In their opinion, these arrangements do not take sufficiently into consideration the expansion of the field presence and the development of UNODC portfolio in the last decade. Initial steps have been undertaken in that regard.

With regard to evaluation, in addition to the recent inspection of UNODC monitoring and evaluation systems, the Inspectors were informed that OIOS expects to conduct a comprehensive programme evaluation of the Office in the next two years. Within existing resources UNODC is likely not to be subjected to another such evaluation for over a decade, which is not in line with the eight-year cycle envisioned by OIOS as adequate and reasonable in the United Nations context.

The Joint Inspection Unit provides independent external oversight to the Office, which is one of its participating organizations. The Inspectors commend the compliance and timeliness of UNODC feedback to the annual request for follow-up information on recommendations included in JIU reports and notes. The Inspectors welcome the fact that the WG on Governance and Finance requested that "relevant JIU reports and the summary of relevant OIOS reports should also be submitted to the Commissions".[14] The Inspectors consider that it could contribute to enhance oversight, keeping in mind that consideration of JIU reports and resulting actions by General Assembly are in principle applicable to the Office.

Concerning JIU reports and notes issued during the period 2004-2009, UNODC accepted 40 per cent of recommendations addressed to it. The implementation phase of accepted recommendations is very satisfactory, with more than 90 per cent marked as either implemented or in progress. The rather low acceptance rate can be explained by the fact that a number of recommendations included in system-wide JIU reports is addressing matters related to policies and guidelines as developed and implemented at the level of the United Nations and its Secretariat and for which the Office has little latitude to take action.

The Board of Auditors audits the consolidated financial statements and reviews the operations of the Office for each biennium. The Board issued an unqualified audit opinion for 2006-2007 and 2008-2009 but pointed out a series of issues

[14] See E/CN.15/2009/21.

that require attention by UNODC. The Inspectors urge UNODC to take appropriate measures to implement the recommendations made by the Board in previous reports that are not currently fully implemented.

The Inspectors also noted that UNODC did not currently have a system of monitoring the implementation of accepted oversight recommendations, either internal or external. They believe such a system should be urgently developed.

The implementation of the following recommendation is expected to enhance the accountability and performance of the Office.

Recommendation 13

The Executive Director should undertake measures to create, by the end of 2011, an internal system to monitor the implementation of recommendations made by relevant oversight bodies.

B. Towards a strengthened corporate evaluation capacity

At the time of the review, and despite significant attention given by Member States and by UNODC in recent years to the Independent Evaluation Unit (IEU), the evaluation function at UNODC was not considered as giving sufficient assurance to Member States and donors on the assessment of UNODC performance. In the view of the Inspectors, this is a priority area of consideration as it is of primary importance for UNODC to be able to measure and demonstrate the effectiveness and efficiency of its programme delivery and related programmes outcomes. In addition, the IEU has a role to play in many important areas such as accountability, learning mechanisms and enhanced project/programme designing within the Office.

The issue of independence of the evaluation function arising from previous structural and reporting arrangements were addressed by placing the IEU under the Executive Director in the Office's structure. The Inspectors wish to stress the need to further promote a corporate evaluation culture, as a shared responsibility: (a) Member States have to grant sufficient resources and exercise their oversight responsibility in particular with regards how the findings of evaluations are used by management. The fact that Member State representatives have explicitly requested that evaluation reports should be circulated to the governing bodies directly and at the same time to UNODC senior management is welcomed by the Inspectors as a sign of commitment; (b) UNODC senior managers should create the conditions for a strong corporate evaluation capacity and create the mechanisms to ensure that evaluation findings and lessons learned are fed-back into the future project and programme cycles; (c) the evaluation unit itself has to contribute to its own credibility and demonstrate its usefulness by producing high quality evaluation reports in compliance with professionals norms and standards, and (d) UNODC staff at all levels (senior managers, mid-level or project managers, substantive officers) have to adopt an open and supporting attitude towards evaluations conducted.

VII. OTHER ISSUES

A. The International Narcotics Control Board

The International Narcotics Control Board (INCB) is the independent and quasi-judicial monitoring body for the implementation of the three United Nations international drug control conventions: the Single Convention on Narcotic Drugs (1961), the Convention on Psychotropic Substances (1971); and the United Nations Conventions against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988). Established in 1968 in accordance with the Single Convention on Narcotic Drugs, it had predecessors under the former drug-control treaties as far back as the time of the League of Nations.

INCB plays a pivotal role in the international fight against illegal drugs. It is assisted by a secretariat in the exercise of its treaty-body functions. The INCB secretariat is an administrative entity of the United Nations Office on Drugs and Crime,

but is responsible solely to the Board on matter of substance. To ensure its independence, INCB secretariat is funded through United Nations regular budget resources.

The Inspectors believe that better understanding and cooperation between UNODC and INCB secretariat would ensure the smooth functioning of INCB. The need to improve these relationships was indeed expressed by both sides, pointing out some difficulties in terms of budget resources and management, recruitment of staff, procurement and administrative support.

The reporting line of the INCB secretary (D-1) within the UNODC organizational structure has caused some concerns as it reports to the Head of the Division for Treaty Affairs rather than directly to the Executive Director. The Inspectors consulted Economic and Social Council resolution 1991/48, endorsed by General Assembly resolution 46/104, on the administrative arrangements between INCB secretariat and the International Drug Control Programme, the predecessor of UNODC. The resolution says: "The Secretary of the Board shall be appointed or assigned by the Secretary-General in consultation with the Board". The secretary shall be responsible to the Board in all substantial matters and to the Executive Director in other matters. Based on the resolution, the Inspectors hold that to ensure the independence of INCB and its secretariat, the secretary should report directly to the Executive Director.

The implementation of the following recommendation is expected to enhance the accountability and performance of the INCB secretariat.

Recommendation 14

The Executive Director should modify at the earliest opportunity the existing reporting lines of the INCB secretary, and place this position directly under his responsibility in the organizational structure.

B. UNOV/UNODC arrangements

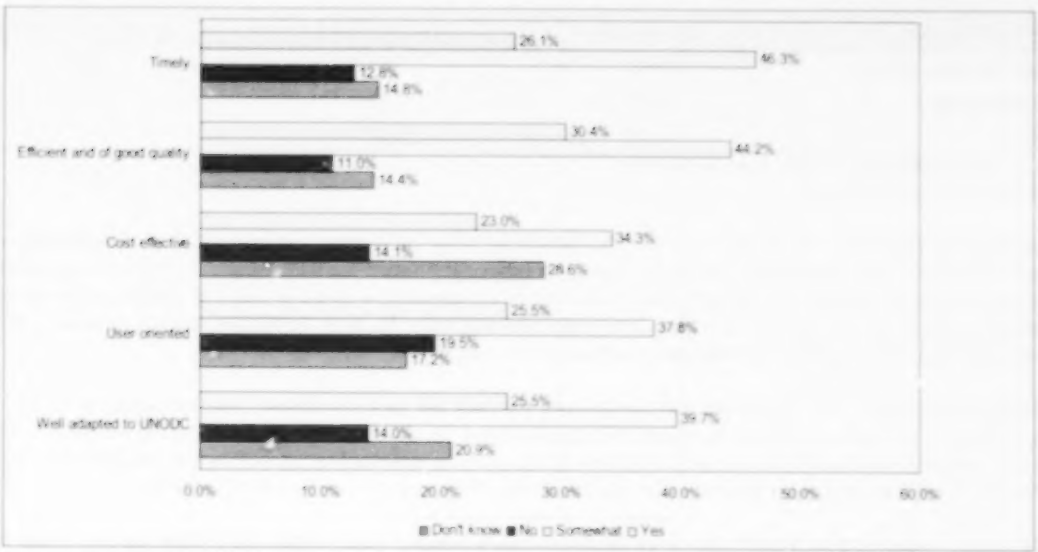
The current organizational structure of the United Nations Office at Vienna and the United Nations Office on Drugs and Crime were established by ST/SGB/2004/5 and ST/SGB/2004/6, respectively. The main characteristic is that UNOV and UNODC, as separate entities, are sharing one Division for Management that provides services to both entities, as well as to other United Nations entities at Vienna. Core functions of the division are split between both offices.

While the arrangements are satisfactory in practice at the working level and are not questioned by the Inspectors as such, it should be noted that in 2010 the Board of Auditors raised the point of shared administrative services such as financial management and noted difficulties to precise breakdown of staff and related costs between UNOV and UNODC.[15] As an example, it was pointed out that management costs of UNODC can therefore not be easily identified and estimated. In the course of the review, the Inspectors encountered difficulties in collecting data focusing only on UNODC staffing, for example.

Figure 8 below provides a summary of the views of respondents with regard several aspects of services provided by the Division of Management in support of UNODC activities.

[15] See A/63/5/Add.9, Financial report and audited financial statements.

Figure 8: Assessment by UNODC employees of the services provided by the Division of Management



Source: JIU survey 2010.

C. Information and communication technology services

The UNOV/UNODC Information and Technology Section (ITS) has solid reputation and a high profile within the United Nations in terms of advanced ICT capacities, as recognized by several user-satisfaction surveys. During the review some comments, however, were registered that ITS could concentrate more on providing timely and good support services to UNODC various units.

In addition to support services, ITS also develops software applications for external clients, mainly Governments, in areas covered by UNODC programmes such as money-laundering and financial crime, and for which few alternatives are available on the commercial market. These substantive services are viewed as technical cooperation activities provided on a costs recovery basis and are governed by service level agreements. UNODC pointed out that "the ability of Member States to effectively carry out their mandates in areas such as drug control, statistical reporting and monitoring, criminal justice reform and countering money laundering and terrorist financing is significantly enhanced by the employment of sophisticated IT solutions and communications infrastructures". While they do not question the added value for Member States, the Inspectors wish to stress that these activities should be conducted in full coordination with other UNODC entities. For example, the Inspectors stress that UNODC field representatives should be aware of and associated with all technical cooperation activities were conducted by ITS in support of Governments of countries falling into their regional scope.

VIII. SURVEY HIGHLIGHTS

UNODC employees contributed to the Inspectors' review through an online survey made available to both Headquarters and field-deployed staff in May and June 2010. The link was distributed through the UNODC information management system and responses were collected and processed confidentially by the Inspectors. The participation rate, in particular at Vienna, is illustrative and statistically representative of the views of some categories of staff. The findings based on aggregated and filtered data by various categories of staff and locations have been included in the narrative of the report.

Table 11: Participation in the JIU survey 2010, by location

Locations	Recipients	Respondents	Participation rate
Vienna Headquarters	464	269	58 %
Field locations*	1350	368	27.3 %
Total	1814	665**	36.7 %

* *Includes all staff located outside of headquarters.*

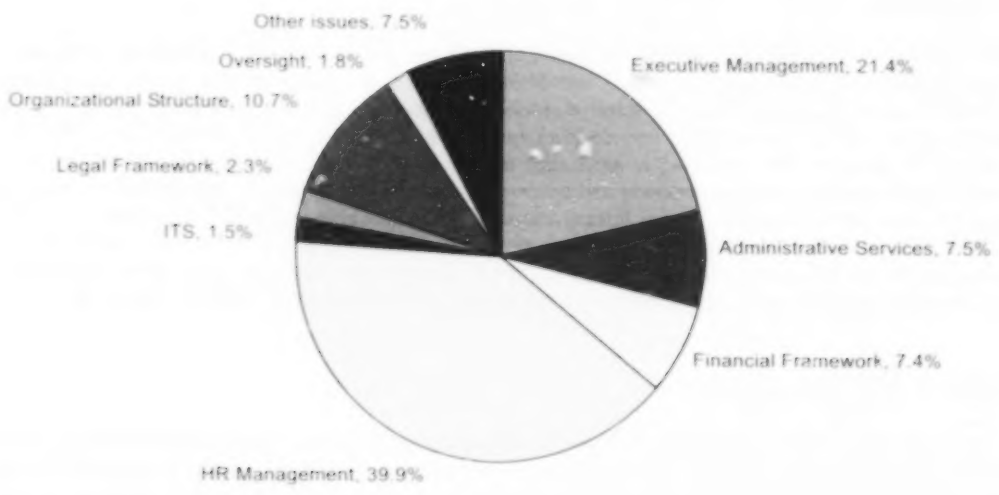
** *Includes incomplete surveys.*

In analysing the responses, the Inspectors noted the following points of interest: (a) international Professionals are often the more critical in their assessment, (b) senior managers (above P-5 level) are surprisingly critical in areas falling under their responsibility by stating that transparency is lacking in the application of rules and regulations and in management decisions; they also do not consider that there is enough encouragement for open discussion, and (c) there are some strong differences of perception between headquarters staff and field employees.

The Inspectors collected 584 comments and suggestions through the open questions. They amounted to 1,526 different points tackling a vast number of management and administration issues within the Office. Through content analysis, the Inspectors categorized these remarks in several broad headings, as represented in figure 9 below. In addition, the opinions expressed by staff were also incorporated in the narrative when they were related to a specific issue.

The Inspectors suggest that a staff survey be conducted on a regular basis within the Office: on one hand, UNODC staff showed that it is keen to contribute to such initiative and on the other hand, senior management could benefit from this feedback expressed by all components of UNODC workforce.

Figure 9: Areas mentioned by UNODC respondents

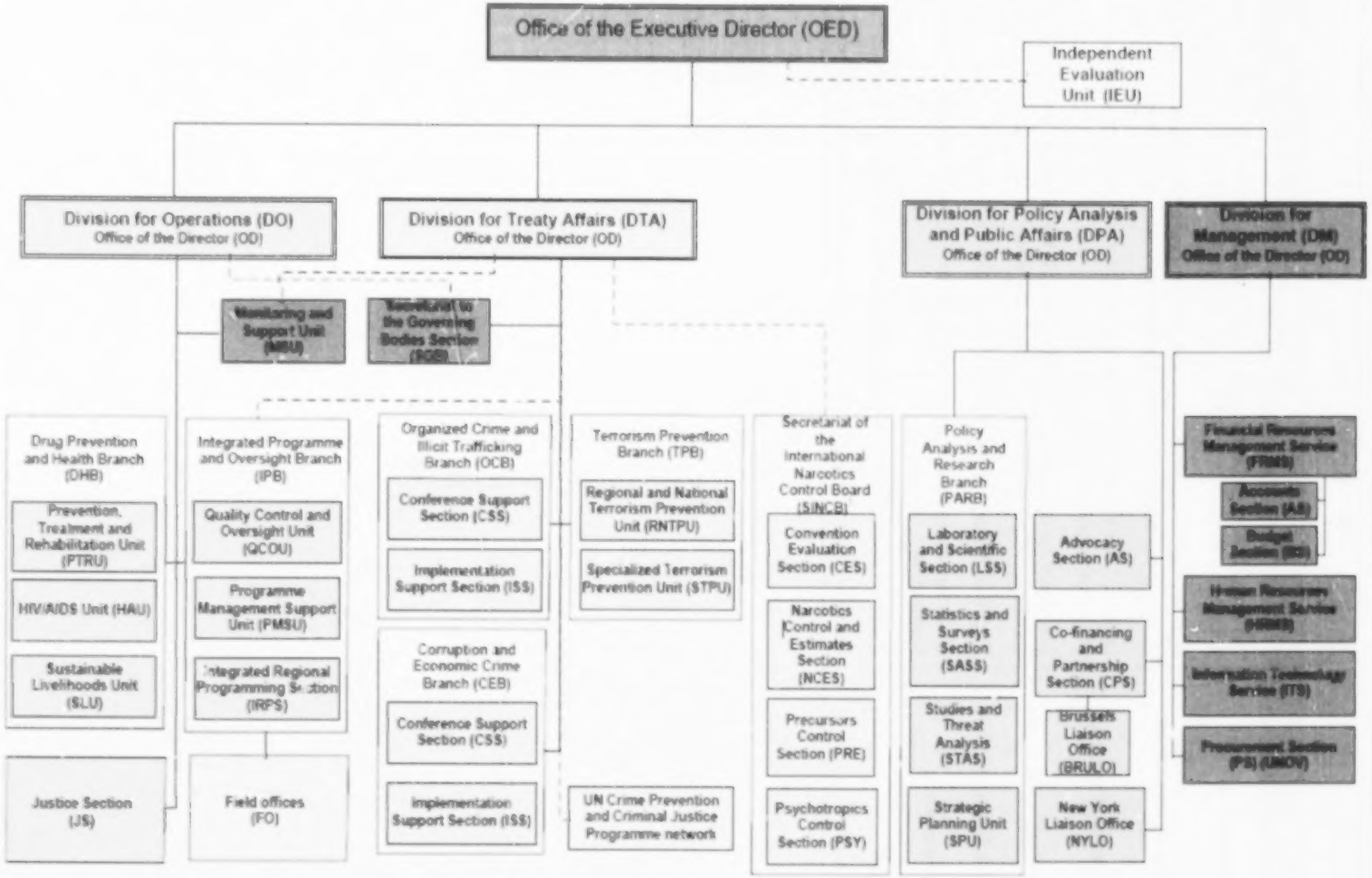


Source: JIU survey 2010.

	Main aspects covered
HR Management	Training, Career Development, Contractual Status, Job Security, diversity of the workforce, Recruitment, Mobility, Institutional Knowledge, Working Conditions.
Executive Management	Transparency, Senior management, Performance Management, Strategic Planning and RBM, Management Practices, communication.
Organizational Structure	Internal Coordination and Cooperation, Internal Communication, Decentralization and Restructuring.
Administrative Services	Feed back on the quality of FRMS, HRMS, Procurement Services, and Relations with UNDP. In particular with regard to field support from HQ.
Financial Framework	Financial Management, Financial Resources and Funding.
Legal Framework	Governance arrangements, mandates of the Office, relevance of rules and regulations.
Oversight	Audit of field offices, evaluation, monitoring of Field Offices.
Other issues	Security, transportation, Project Management and comments of general nature.

ANNEXES

Annex I: United Nations Office on Drugs and Crime organizational chart, as of April 2010 (source UNODC)



Annex II: Geographical diversity at professional level and above (as of December 2009)

Nationality	Number of staff	In per cent		Nationality	Number of staff	In per cent
Italy	29	10.5 %	23.6%	Belarus	1	0.4%
Germany	19	6.9%		Bosnia and Herzegovina	1	0.4%
United States of America	17	6.2%		Botswana	1	0.4%
Canada	14	5.1%		Cote d'Ivoire	1	0.4%
France	13	4.7%		Czech Republic	1	0.4%
United Kingdom	13	4.7%		Ecuador	1	0.4%
Austria	11	4.0%		Georgia	1	0.4%
Spain	9	3.3%		Ghana	1	0.4%
India	8	2.9%		Honduras	1	0.4%
Denmark	7	2.5%		Indonesia	1	0.4%
Japan	7	2.5%		Iran	1	0.4%
Brazil	6	2.2%		Ireland	1	0.4%
Australia	5	1.8%		Israel	1	0.4%
Belgium	5	1.8%		Kyrgyzstan	1	0.4%
South Africa	5	1.8%		Libyan Arab Jamahiriya	1	0.4%
Egypt	4	1.4%		Mali	1	0.4%
Greece	4	1.4%		Malta	1	0.4%
New Zealand	4	1.4%		Mexico	1	0.4%
Norway	4	1.4%		Mongolia	1	0.4%
Sweden	4	1.4%		Morocco	1	0.4%
Uzbekistan	4	1.4%		Myanmar	1	0.4%
Argentina	3	1.1%		Namibia	1	0.4%
Cameroon	3	1.1%		Paraguay	1	0.4%
Finland	3	1.1%		Peru	1	0.4%
Kazakhstan	3	1.1%		Poland	1	0.4%
Kenya	3	1.1%		Portugal	1	0.4%
Netherlands	3	1.1%		Qatar	1	0.4%
Turkey	3	1.1%		Republic of Moldova	1	0.4%
Azerbaijan	2	0.7%		Romania	1	0.4%
Bolivia	2	0.7%		Russian Federation	1	0.4%
Bulgaria	2	0.7%		Senegal	1	0.4%
China	2	0.7%		Seychelles	1	0.4%
Iran	2	0.7%		Slovakia	1	0.4%
Jamaica	2	0.7%		Switzerland	1	0.4%
Latvia	2	0.7%		Thailand	1	0.4%
Lebanon	2	0.7%		Turkmenistan	1	0.4%
Mauritius	2	0.7%		Uganda	1	0.4%
Pakistan	2	0.7%		Uruguay	1	0.4%
Algeria	1	0.4%		Venezuela	1	0.4%
Bangladesh	1	0.4%		Zimbabwe	1	0.4%
Barbados	1	0.4%		Grand Total	276	100%

Source: Data provided by UNODC.

Annex III: UNODC field presence in 2010 (source UNODC Annual Report 2010)

Regional offices (10)	Country offices (9)	Liaison offices (2)
Brazil and the Southern Cone	Afghanistan	New York
Central Asia	Plurinational State of Bolivia	Brussels
Eastern Africa	Colombia	
Middle East and North Africa	Islamic Republic of Iran	
Mexico, Central America and the Caribbean	Lao People's Democratic Republic	
Peru, Plurinational State of Bolivia and Ecuador	Myanmar	
South Asia	Nigeria	
Southern Africa	Pakistan	
West and Central Africa	Viet Nam	
Centre for East Asia and the Pacific		
Programme offices (32)		
Regional Programme Office in Panama, Regional Programme Office for South Eastern Europe, Sub-Regional Programme Office in the United Arab Emirates (for the Gulf States), Sub-Regional Programme Office in the Libyan Arab Jamahiriya, Albania, Burundi, Cambodia, Cape Verde, China, Democratic Republic of the Congo, Dominican Republic, El Salvador, Ethiopia, Guinea-Bissau, Guatemala, Indonesia, Jordan, Kazakhstan, Kyrgyzstan, Lebanon, Republic of Moldova, Nepal, Occupied Palestinian Territory, Qatar, Romania, Russian Federation, Serbia, Somalia, Sudan, Tajikistan, Turkey, Turkmenistan.		

Annex IV

Overview of action to be taken by participating organizations on the recommendations of the Joint Inspection Unit
JIU/REP/2010/10

		Intended impact	United Nations, its funds and programmes											Specialized agencies and IAEA												
			United Nations[a]	UNCTAD	UNODC	UNEP	UN-Habitat	UNHCR	UNRWA	UNDP	UNFPA	UNICEF	WFP	ILO	FAO	UNESCO	ICAO	WHO	UPU	ITU	WMO	IMO	WIPO	UNIDO	UNWTO	IAEA
Report	For action		☒		☒																					
	For information			☒		☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
Recommendation 1		e			L																					
Recommendation 2		e			E																					
Recommendation 3		g	L																							
Recommendation 4		e			E																					
Recommendation 5		e			E																					
Recommendation 6		e			E																					
Recommendation 7		e			E																					
Recommendation 8		c			E																					
Recommendation 9		g			E																					
Recommendation 10		e			E																					

	Intended impact	United Nations, its funds and programmes												Specialized agencies and IAEA												
		United Nations*	UNCTAD	UNODC	UNEP	UN-Habitat	UNHCR	UNRWA	UNDP	UNFPA	UNICEF	WFP	ILO	FAO	UNESCO	ICAO	WHO	UPU	ITU	WMO	IMO	WIPO	UNIDO	UNWTO	IAEA
Recommendation 11	o			E																					
Recommendation 12	o			E																					
Recommendation 13	a			E																					
Recommendation 14	a			E																					

Legend: L: Recommendation for decision by legislative organ **E:** Recommendation for action by executive head

Recommendation does not require action by this organization **Intended impact: a:** enhanced accountability **b:** dissemination of best practices **c:** enhanced coordination and cooperation **d:** enhanced controls and compliance **e:** enhanced effectiveness **f:** significant financial savings **g:** enhanced efficiency **o:** other. * Covers all entities listed in ST/SGB/2002/11 other than UNCTAD, UNODC, UNEP, UN-Habitat, UNHCR, UNRWA.

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General Assembly

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Sixty-sixth session
Item 140
Joint Inspection Unit

Review of management and administration in the United Nations Office on Drugs and Crime

Note by the Secretary-General

The Secretary-General has the honour to transmit, for the consideration of the General Assembly, his comments on the recommendations of the Joint Inspection Unit contained in its report entitled "Review of management and administration in the United Nations Office on Drugs and Crime" (JIU/REP/2010/10).

A. General comments

1. A review of management and administration in the United Nations Office on Drugs and Crime was conducted by the Joint Inspection Unit in 2010. The corresponding report contained a total of 14 recommendations, one of which was addressed to the governing bodies of the Office, one to the General Assembly, and 12 to the Executive Director of the Office.

2. The Office acknowledges the in-depth analysis and valuable recommendations of the Joint Inspection Unit. It takes the findings seriously and considers them as a basis for a programme of needed improvements in its governance, programmatic, systemic and administrative practices. It accepts all but one of the 12 recommendations addressed to the Executive Director.

3. A detailed plan of action whereby the accepted recommendations will be implemented in various intervals between 2011 and 2014 has been developed and adopted by the Office management. Task forces composed of representatives from each of the four Divisions of the Office have already been established to manage the implementation process. Their work is closely coordinated by the Office of the Executive Director and the Division for Management.

4. The report was also presented to Member States at the respective sessions of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice. In addition, presentations and discussions on the recommendations were held with Member States during the recent meetings of the standing open-ended intergovernmental working group on finance and governance.

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B. Specific recommendations

Recommendation 1

The recommendation, addressed to the Commissions, called for the holding of joint reconvened sessions that would serve as an integrated governing body, tasked with overseeing budgetary and programmatic activities of the Office.

5. The required action has been completed. With the support of the secretariat, the open-ended intergovernmental working group on finance and governance, the extended bureaux of the Commissions and their respective Chairs conducted informal consultations on the matter. The Chairs of the Commissions consulted with all Member States on a draft decision, which was transmitted to the President of the Economic and Social Council. On this basis, the President of the Council submitted a draft decision (E/2011/L.50) to the members, which was adopted as decision 2011/259. Pursuant to this decision, the Commissions will hold joint meetings starting in December 2011.

Recommendation 2

The recommendation called for a consolidated review of all mandates entrusted to the Office, including resources required and allocated, and requested the Executive Director to submit a prioritization document to the Commissions.

6. The Office is currently dealing with the prioritization document in a two-stage process. The first step is the preparation of an updated strategy for the Office for the period 2012-2015, as requested by the two Commissions. Consultations with Member States are being undertaken within the framework of the open-ended intergovernmental working group on finance and governance in that regard. Once the strategy is approved, the second step will be to develop the strategic framework for 2014-2015, which will operationalize the identified priorities with corresponding indicators of achievement and performance measures. The strategic framework is scheduled for presentation to the Committee for Programme and Coordination in the third quarter of 2012.

Recommendation 3

The recommendation, addressed to the General Assembly, called upon the Assembly to ensure that core functions of the Office were funded by regular budget resources, starting in the 2012-2013 biennium, to enable the Office to carry out its mandates in a consistent and sustainable manner.

7. It is understood that the General Assembly may have the chance to address this recommendation within the context of the proposed programme budget for the biennium 2012-2013.

Recommendation 4

The recommendation addressed the physical fragmentation of the funding structure of the Office and recommended that the Executive Director commission a study on the feasibility, benefits and drawbacks of merging the Fund of the United Nations International Drug Control Programme and the United Nations Crime Prevention and Criminal Justice Fund.

8. A review of existing studies and reports on the consolidation of the two trust funds is currently under way. Completion and subsequent presentation to the open-ended intergovernmental working group on finance and governance and to the Commissions is scheduled for the first quarter of 2012.

Recommendation 5

The recommendation addressed the funding allocation strategy of the Office by suggesting the adoption of a corporate mechanism to oversee its financial situation and to determine overall resource allocation.

9. The Office plans to define practices for setting strategic priorities, assessing funding shortfalls, allocating funds to priorities and developing guidelines on earmarking of resources. Full implementation is targeted for the end of 2012.

Recommendation 6

The recommendation called for the formulation of a fundraising strategy that would enlarge the donor base of the Office.

10. Initial exposure drafts are already being developed; some initial sharing of concepts and ideas has already taken place at the level of the open-ended intergovernmental working group on finance and governance. Rollout of the resulting corporate guidelines and practices is expected by 2012.

Recommendation 7

The recommendation called for a functional review of all the divisions, sections and units of the Office, in order to align them as part of a reconfirmed and prioritized framework for action, as proposed in recommendation 2.

11. A functional review is currently being undertaken parallel to the development of the Office strategy and the strategic framework for 2014-2015. It is anticipated that the results of the review will feed into a restructuring and realignment exercise that will be coterminous with the development of the prioritization document referred to in recommendation 2.

Recommendation 8

The recommendation called for the implementation of an overall coordination mechanism that would enhance the executive direction and management of the Office.

12. The Office has already begun to review the effectiveness of the current practices with the aim of proposing improvements. Full implementation is targeted for the end of 2012.

Recommendation 9

The recommendation called for the Executive Director to present an independent evaluation of thematic and regional programming and to report on its implementation status, impact and lessons learned to the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice by the end of 2013.

13. The evaluation of the thematic and regional programming approach will be included in the 2012 workplan of the Independent Evaluation Unit and the results will be presented to the governing bodies in 2013.

Recommendation 10

The recommendation called for consultations with the Administrator of the United Nations Development Programme (UNDP) in order to review and update the existing memorandum of understanding.

14. An initial meeting between the Executive Director and the UNDP Administrator was held in April 2011, and lines of contact have been established between the Division for Management of the Office and the UNDP Bureau of Management on the working arrangements and services of a new memorandum of understanding. Full implementation is targeted for the end of 2012.

Recommendation 11

The recommendation called for the Executive Director to undertake further measures to improve gender balance at the senior level, including with respect to field representatives.

Recommendation 12

The recommendation called for the establishment of a clear plan of action to broaden the diversity of the Professional workforce and of the pool of consultants, in particular by considering more candidates from developing countries.

15. Recommendations 11 and 12 are being implemented on an ongoing basis. Both are covered in the Executive Director's compact with the Secretary-General. The senior managers of the Office have been reminded of the commitments within the human resources scorecard and are being held accountable through their individual workplans.

Recommendation 13

The recommendation called for the creation of an internal system to monitor the implementation of recommendations made by relevant oversight bodies.

16. The Office is currently exploring the feasibility of expanding the functionality of its existing audit tracking database to enable electronic tracking of the implementation of recommendations issued by oversight bodies. Full implementation is targeted for the middle of 2012.

Recommendation 14

The recommendation called for the Executive Director to place the Secretary of the International Narcotics Control Board directly under his responsibility.

17. The Office does not accept this recommendation. While it fully recognizes the importance of the International Narcotics Control Board and the need to operate in complete coordination with its mandates, the Office maintains that the current reporting lines, whereby the Board reports to the Division for Treaty Affairs, and,

starting in the 2012-2013 biennium, to the Division for Policy Analysis and Public Affairs, is effective and does not in any way undermine the importance and effectiveness of the Board. The current reporting line allows the Executive Director to address the Board's strategy-level matters while leaving the operational and tactical aspects to be resolved by the head of the Division concerned.